

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

TUESDAY, THE 15TH DAY OF SEPTEMBER 2015/24TH BHADRA, 1937

WP(C).No. 8730 of 2015 (M)

PETITIONER :

**K.K.ABDUL JALEEL, AGED 53 YEARS,
KADUNGATTUPARAMBIL HOUSE, ETTUMANA
KARUVANNUR, THRISSUR**

**BY ADVS.SRI.SAJI KURIACHAN
SRI.M.R.NANDAKUMAR**

RESPONDENTS :

**1. THE LAND REVENUE COMMISSIONER,
THIRUVANANTHAPURAM - 33**

**2. THE DISTRICT COLELCTOR
THRISSUR 680001**

R1 & R2 BY GOVERNMENT PLEADER SMT. LILLY LESSLIE

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 15-09-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1: TRUE COPY OF ORDER NO C5 11/2009/K.DIS DATED 07-09-2011
- EXHIBIT P2: TRUE COPY OF ORDER NO LR A5/349/2012 DATED 16-07-2012
- EXHIBIT P3: TRUE COPY OF JUDGMENT DATED 21-03-2002 IN O.P NO 7089
OF 2002
- EXHIBIT P4: TRUE COPY OF JUDGMENT DATED 15-04-2005 IN WPC NO 12306
OF 2005
- EXHIBIT P5: TRUE COPY OF JUDGMENT DATED 13-12-2011 IN WPC NO 49 OF 2004
- EXHIBIT P6: TRUE COPY OF REPORT DATED 30-12-2010 FROM THE SUB
INSPECTOR OF POLICE,CHERPU

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

ANU SIVARAMAN, J.

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W.P. (C) No. 8730 of 2015

Dated this the 15th day of September, 2015

J U D G M E N T

This writ petition is filed challenging Ext.P1 and P2 orders rejecting the petitioner's application for renewal of his arms licence.

2. The reason stated in Ext.P1 order of rejection and Ext. P2 order passed in appeal are to the effect that the petitioner has failed to prove that there is dire threat to his life subsisting at the time of application for renewal of the arms licence.

3. This Court has repeatedly held that the rejection of application for renewal of arms licence on the ground that the applicant has failed to prove that there is imminent threat to life is not contemplated by the provisions of the statute.

4. The learned counsel for the petitioner brought to my notice the decisions of this Court in **Muhammed Shafi v.District Collector** [2012(1)KLT 427], **Chandran Nair v.Additional District Magistrate** [2015(1)KLT 41] and **Jose Kuttiyany v. Land Revenue Commission, Thiruvananthapuram and Others** [2015(3)KHC 831]. In the decision reported in **Chandran Nair's** case (cited supra), it has

been held that applications for renewal of arms licences cannot be rejected unless there exists a ground for refusal as enumerated under Section 14 of the Arms Act, 1959.

5. In the instant case also the petitioner had been granted an arms licence and had sought renewal of the same. It has now been rejected on the ground that the petitioner has failed to prove imminent threat to his life.

6. Going by the decision of this Court referred above, rejection of the application for renewal of arms licence on the grounds mentioned in the impugned order is not sustainable. In the above circumstances, Ext.P1 and P2 are set aside. The 2nd respondent is directed to take up the application preferred by the petitioner for renewal of arms licence afresh and to pass orders thereon within a period of one month from the date of receipt of the copy of this judgment. It is made clear that the application for renewal shall not be rejected on the ground that the petitioner has not shown an imminent substituting threat to his life.

The writ petition is disposed of as above.

Sd/-
ANU SIVARAMAN,
JUDGE

DST

//True copy//

P.A. To Judge