

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 6TH DAY OF OCTOBER 2015/14TH ASWINA, 1937

WP(C).No. 10209 of 2015 (A)

PETITIONER(S) :

**MOHAMMED GAFOOR K.V., AGED 45 YEARS,
S/O.M.T.MOIDUTTY, "ZABI", VELIYAMKODE P.O.,
PONNANI, MALAPPURAM DISTRICT- 679 579.**

BY ADV. SRI.M.R.VENUGOPAL

RESPONDENT(S) :

- 1. THE DISTRICT COLLECTOR/DISTRICT MAGISTRATE,
COLLECTORATE, MALAPPURAM DISTRICT, PIN- 676 505.**
- 2. THE ADDITIONAL DISTRICT MAGISTRATE,
OFFICE OF THE DISTRICT COLLECTOR,
MALAPPURAM DISTRICT, PIN- 676 505.**

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

- P1: TRUE COPY OF THE RELEVANT PORTION LICENSE UNDER FORM III
ISSUED TO THE PETITIONER.**
- P2: TRUE COPY OF THE APPLICATION DATED 31.10.2013.**
- P3: TRUE COPY OF THE REPORT DATED 07.05.2014 OF
THE SUPERINTENDENT OF POLICE, MALAPPURAM.**
- P4: TRUE COPY OF THE JUDGMENT IN W.P(C).NO.21290/2014**
- P5: TRUE COPY OF ORDER NO.K.DIS.72034/12/E4 DATED 18.12.2014**
- P6: TRUE COPY OF 18 OF EXT P1.**
- P7: TRUE COPY OF THE REPRESENTATION DATED 12.02.2015 SUBMITTED BY
THE PETITIONER.**
- P8: TRUE COPY OF THE REPLY NO.L-DIS/9823/15/E4 DATED 02.03.2015.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 10209 of 2015

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Dated this the 6th day of October, 2015

J U D G M E N T

The petitioner's Arms licence has been renewed as per Ext.P5. The order was issued on 18.12.2014. However the renewal was only for a period of one year. Therefore it would expire on 31.12.2015.

2. The petitioner points out in terms of Sec.15 of the Arms Act, 1959 duration of the renewal of licence is for a period of three years from the date on which it was granted.

3. Therefore the petitioner submits that the District Magistrate Court cannot restrict the duration for one year.

4. As pointed out by the learned counsel for the petitioner in terms of the proviso under Section 15, if the total period of the licence has to be restricted, the authority has to state the reasons for restricting renewal for shorter period. Nothing is seen from the impugned order for restricting duration for one year.

5. It has to be presumed that the authority has not applied

its mind in restricting duration. In view of the fact that the petitioner has been received favourable recommendation from the District Police Chief, this Court is of the view that the duration of the licence shall be considered for a period of three years from 18.12.2014 and necessary endorsement shall be effected in the Arms licence of the petitioner. Needful shall be done within a period of two months from the date of receipt of the copy of this judgment.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE