

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

WP(C).No. 14401 of 2012 (A)

PETITIONER(S):

1. KASARAGOD DISTRICT GUN LICENCEES ASSOCIATION,
REPRESENTED BY ITS SECRETARY SRI.PEETHAMBARAN NAIR.T.,
S/O.K.KRISHNAN NAIR, OFFICE AT XIV/364,
BEDADUKKA GRAMA PANCHAYAT, KUNDAMKUZHI P.O.,
CHENGALA (VIA), KASRAGOD DISTRICT-671 541.
2. T. BALAKRISHNAN NAIR,
S/O.CHARADAN NAIR, EDAPANI HOUSE, BADADUKKA P.O.,
CHENGALA (VIA), KASARAGOD DISTRICT-671 541.

BY ADVS.SRI.K.SHRIHARI RAO
SMT.N.SHOBHA
SRI.K.S.BALAKRISHNAN

RESPONDENT(S):

1. UNION OF INDIA,
REPRESENTED BY ITS SECRETARY,
MINISTRY OF HOME AFFAIRS, NEW DELHI-110 001
2. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY, HOME DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM-695 039.
3. THE LAND REVENUE COMMISSIONER,
THIRUVANANTHAPURAM-695 033.
4. THE DISTRICT COLLECTOR,CIVIL STATION,
VIDHYANAGAR, KASARAGOD-671 123.
5. THE ADDITIONAL DISTRICT MAGISTRATE,
CIVIL STATION, VIDHYANAGAR, KASARAGOD-671 123.
6. THE SUPERINTENDENT OF POLICE,
KASARAGOD.PIN-671 123

R1 BY ADV.N.NAGARESH,ASG
R2 TO R6 BY GOVERNMENT PLEADER SRI.NOUSHAD THOTTATHIL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 25-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

sts

WP(C).NO.14401/2012

APPENDIX

PETITIONER'S EXHIBITS:

P1 COPY OF THE LETTER DATED 31/3/2010 OF THE 1ST RESPONDENT.

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.S.TO JUDGE

sts

A.V.RAMAKRISHNA PILLAI, J

WPC No.14401 of 2012

Dated this the 25th day of March, 2015

JUDGMENT

The petitioners claiming themselves to be the gun licensees of the association of Kasargod District has approached this Court seeking the following reliefs:

- i) A writ of mandamus or any other appropriate writ, order or direction directing the respondents 2 to 6 strictly implement the directions mentioned in Ext.P1 and thereby redress the grievances of the gun licensee holders of Kasargod District.
- ii) Issue appropriate direction to the respondents not to insist upon the members of the first petitioner association to deposit their guns in the police stations or with the authorised arms dealers during any election period.

2. According to the petitioners, the petitioner association is formed to protect and safe guard the gun licence holders of Kasaragod District who hold gun licenses to protect their agricultural crops from the wild animals. According to them, agriculture is the only source of their income and taking into consideration of the

interest of the gun license holders, the first respondent has issued Ext.P1 order dated 31.3.2010 to all the states including the second respondent. However, respondents 2 to 6 are not implementing that order.

3. In the counter affidavit filed by the 5th respondent, it was contended that it is the duty of the licensees to surrender the gun before the Police Station concerned during the period of elections. According to them, the third respondent had issued circulars/orders regarding the matters of issuance of gun license, renewal of gun license etc.

4. Arguments have been heard.

5. The petitioner is not challenging any specific order issued by the State Government. The allegation that the State Government is not implementing the direction in Ext.P1 is incorrect because in the light of Ext.P1, the State Government has issued another circular in the year 2010 and it is on the basis of the same, issuance as well as the renewal of license to holders of arms are regulated. The petitioners have made a blunt allegation that the

directions contained in Ext.P1 have not been implemented by the State Government.

6. It is crucial to note that the petitioners does not project any grievance at all. If the members of the association have any grievance at all, it is open to them to challenge the same in appropriate proceedings.

On a consideration of the entire materials now placed on record, this Court feels that there is no scope for granting any relief to the petitioner association.

Therefore, the writ petition fails and accordingly dismissed.

**Sd/- A.V.RAMAKRISHNA PILLAI
JUDGE**

css/

true copy

P.S.TO JUDGE