

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

WP(C).No. 16842 of 2011 (E)

PETITIONER:

**JOSE ABRAHAM,
KIZHAKE UNNIPPILLIL,
THODUPUZZHA EAST P.O.,
THODUPUZZHA.**

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

RESPONDENTS:

- 1. STATE OF KERALA REPRESENTED BY
SECRETARY, HOME DEPARTMENT, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM, PIN-695 001.**
- 2. THE DISTRICT COLLECTOR,
IDUKKI, PIN-685 603.**
- 3. THE SUPERINTENDENT OF POLICE,
IDUKKI, PIN-685 603.**

R1 TO R3 BY GOVERNMENT PLEADER SRI.P.V.ELIAS

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
11-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

MJL

APPENDIX

PETITIONER'S EXHIBITS:

- EXT.P1: TRUE COPY OF THE APPLICATION DATED 20.11.2010 SUBMITTED BY
THE PETITIONER FOR THE RENEWAL OF HIS ARMS LICENCE
- EXT.P2(a): TRUE COPY OF THE CERTIFICATE OF THE PETITIONER
- EXT.P2(b): TRUE COPY OF THE CERTIFICATE OF THE PETITIONER
- EXT.P3: TRUE COPY OF THE CIRCULAR DATED 14.09.2010 FROM THE 1ST
RESPONDENT

RESPONDENTS' EXHIBITS: NIL

/TRUE COPY/

P A TO JUDGE

MJL

C.K. ABDUL REHIM, J.

W.P.(C)No.16842 of 2011

Dated this the 11th day of March, 2015

JUDGMENT

Grievance of the petitioner is regarding non renewal of Gun Licence No.BL.926/TDA/ID issued in favour of the petitioner, which expired on 31/12/2010. The petitioner had submitted Ext.P1 application for renewal as early as in the year 2010. But the respondents have not taken any action on the application, presumably based on Ext.P3 circular of the Government imposing restrictions that the Arms Licence need be renewed only in cases where persons facing real threat to life.

2. The issue now stands covered through decision of this court in **Chandran Nair v. Additional District Magistrate [2015(1) KLT 41]**. It was observed that a combined reading of Sections 14 and 15 of the Arms Act, 1959 would indicate that once a licence is granted under the provisions of the said Act, the same shall be renewed

from time to time, unless there exists any ground for refusal as enumerated under Section 14 of the Act. It is held that when the applicant feels that there is threat to his life and property, there is no reason for the State to risk his life and property. It is found that an applicant for renewal of licence need not establish that there exists threat to the life or property in order to get the licence renewed.

3. This court is of the considered opinion that in view of the legal position remaining settled, the renewal application submitted by the petitioner need to be considered and appropriate decision need to taken on the question of renewal.

4. Under the above mentioned circumstances, this writ petition is disposed of by directing respondents 2 and 3 to consider Ext.P1 application submitted by the petitioner seeking renewal of the Gun Licence and to take an appropriate decision taking note of the decision of this court cited above, if necessary after affording opportunity of personal hearing to the petitioner. A decision in this

regard shall be taken at the earliest possible at any rate, within a period of six weeks from the date of receipt of copy of this judgment.

**Sd/-C.K. ABDUL REHIM
JUDGE**

MJL