

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 18TH DAY OF JUNE 2015/28TH JYAISHTA, 1937

WP(C).No. 17127 of 2015 (M)

PETITIONER(S) :

**GEE THOMAS, AGED 45 YEARS,
S/O.LATE M.P.THOMAS, RESIDING AT MANACKAL HOUSE,
MUTTIKALKANDAM, KARIMBA P.O, MANNARKKAD TALUK,
PALAKKAD DISTRICT, PINCODE- 678 597.**

BY ADV. SRI.PEEYUS A.KOTTAM

RESPONDENT(S) :

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRTARY, DEPARTMENT OF HOME,
GOVERNMENT SECRETARIAT, ANNEXE, TRIVANDRUM- 695 001.**
- 2. COMMISSIONER OF LAND REVENUE,
TRIVANDRUM, POST OFFICE BUILDING, MUSEUM JUNCTION,
TRIVANDRUM- 695 033.**
- 3. THE DISTRICT COLLECTOR,
PALAKKAD, COLLECTORATE, CIVIL STATION, PINCODE- 678 001.**

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF PAGE NOS .16,17,18,19 AND 20 OF LICENSE NO.349/MGT/III ISSUED IN FORM III OF ARMS RULES BY ADDITIONAL DISTRICT MAGISTRATE,PALAKKAD TO PETITIONER.
- EXT.P2: TRUE COPY OF PROCEEDINGS OF 3RD RESPONDENT DATED 31-08-2011 BEARING NO.D2-2010/62018/9/K.DIS.
- EXT.P3: TRUE COPY OF RECEIPT NO 3055/8/ISSUES/CT/P/11-12 DATED 19-11-2011 ISSUED FROM OFFICE OF MINISTRY OF DEFENSE, HEAVY VEHICLES FACTORY, AVADI TO PETITIONER.
- EXT.P4: TRUE COPY OF RECEIPT BEARING NO.3055/S/ISSUES/CT/P/13-14 DATED 13-05-2013 ACKNOWLEDGING RECEIPT OF AMOUNT BY MINISTRY OF DEFENSE, HEAVY VEHICLES FACTORY, AVADI, CHENNAI, FROM PETITIONER.
- EXT.P5: TRUE COPY OF LETTER NO.3055/S/CT/P/14-15 DATED 20-05-2014 ISSUED FROM MINISTRY OF DEFENSE CALLING UPON THE PETITIONER TO COLLECT 0.32" PISTOL FROM HVF.
- EXT.P6: TRUE COPY OF ORDER NO D2-2011/745789 DATED 08-05-2014 ISSUED BY DISTRICT MAGISTRATE PALAKKAD TO PETITIONER.
- EXT.P7: TRUE COPY OF APPEAL DATED 04-06-2014 FILED UNDER SECTION 18 OF ARMS ACT 1959 BY PETITIONER BEFORE 1ST RESPONDENT.
- EXT.P8: TRUE COPY OF JUDGMENT DATED 16-01-2015 OF THIS HONOURABLE COURT IN W.P.(C)NO.1643/2015-(E)
- EXT.P9: TRUE COPY OF ORDER NO.LRA5-21241/14 DATED 03-07-2014 ISSUED BY COMMISSIONER OF LAND REVENUE TRIVANDRUM TO THE PETITIONER.
- EXT.P9 IN I.A.NO.7681 OF 2015: TRUE COPY OF ORDER NO.LRA5-21241/14 DATED 23.03.2015 ISSUED BY COMMISSIONER OF LAND REVENUE TRIVANDRUM TO THE PETITIONER.
- EXT.P10: TRUE COPY OF ORDER NO.16109/F1/15/HOME DATED 09.03.2015 ISSUED BY THE ADDITIONAL CHIEF SECRETARY TO ALL DISTRICT POLICE CHIEF, THE LAND REVENUE COMMISSIONER, ALL DISTRICT COLLECTORS.

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE

K. VINOD CHANDRAN, J.

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W.P.(C) No.17127 of 2015 - M

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Dated this the 18th day of June, 2015

J U D G M E N T

The petitioner is aggrieved with Ext.P9 order which stands substituted by I.A No. 7681 of 2015, which according to the petitioner is not in compliance with Ext.P8 judgment. The petitioner was in possession of one .22 revolver and a 12 bore SBBL gun. The licence came up for renewal and the petitioner's application was considered by the District Magistrate by Ext.P6. The petitioner too was heard. A reading of the order shows that the District Magistrate was satisfied that there is no threat to security and the petitioner is a person who is adept in the use of the revolver and the gun.

2. Despite the findings on the security aspect and the satisfaction entered into, as also the reference to the report of the District Police Chief, the District Magistrate thought it fit to

extend the licence only to the 12 bore SBBL gun, that too for only 6 months. The .22 revolver was directed to be surrendered before the Police Station or Armoury for safe custody. The renewal of the gun also was granted only for six months while the Act prescribes for renewal for three years. The petitioner aggrieved with the said order filed an appeal and approached this Court for early disposal of the same. Ext.P8 is the order directing the respondent to consider and pass appropriate orders on Ext.P7 appeal. The appellate authority by Ext.P9 remanded the matter for fresh consideration.

3. It is to be noticed that this Court by Ext.P8 only directed appropriate orders to be passed. The original authority having not considered the issue of the licence at all, this Court is of the opinion that the remand made by the appellate authority in Ext.P9 is proper. In such circumstance, Ext.P9 is confirmed. In view of the remand made as per Ext.P9, Ext.P6 as a consequence

W.P.(C) No.17127 of 2015 - M

would not be in existence. The petitioner is directed to appear before the District Magistrate, Palakkad within two weeks from the date of receipt of the certified copy of this judgment. The office of the District Magistrate shall intimate to him a date for personal hearing and the order shall be passed within one month from the date of hearing of the petitioner in the light of the authoritative pronouncement of this Court in **Chandran Nair v. Additional District Magistrate [2015 (1) KLT 41]**, a copy of which shall be produced by the petitioner before the authority.

The writ petition is disposed of with the above directions.

Sd/-
K. VINOD CHANDRAN,
JUDGE

SB

// true copy //

P.A to Judge.