IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 24TH DAY OF JUNE 2015/3RD ASHADHA, 1937

WP(C).No. 17211 of 2015 (B)

PETITIONER:

T. ASOKAN, S/O.KUNHIKANDAN,
32/510, PATTALIL HOUSE, CHELAVOOR P.O.,
KOZHIKODE.

BY ADVS.SRI.K.MOHANAKANNAN,
SMT.A.R.PRAVITHA,
SMT.D.S.THUSHARA,
SRI.BALAKRISHNAN GOPINATH.

RESPONDENTS:

1. **DISTRICT COLLECTOR, KOZHIKODE-673 020.**
2. **ADDITIONAL DISTRICT MAGISTRATE, KOZHIKODE- 673 020.**
3. **ASSISTANT COMMISSIONER OF POLICE, NORTH, KOZHIKODE CITY, PIN- 673 020.**
4. **COMMISSIONER, LAND REVENUE, THIRUVANANTHAPURAM -695 001.**

BY GOVT. PLEADER SMT.C.K. SHERIN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

rs.

WP(C).No. 17211 of 2015 (B)

APPENDIX

PETITIONER'S EXHIBITS:-

P1:- TRUE COPY OF THE PROCEEDINGS NO. D3.38201/04 OF THE 2ND RESPONDENT DATED 30/11/2005.

P2:- TRUE COPY OF THE APPLICATION DATED 15/11/2012 FOR RENEWAL OF LICENCE WITH CHALAN.

P3:- TRUE COPY OF THE ACKNOWLEDGMENT RECEIPT OF APPLICATION ISSUED BY THE COLLECTORATE ON 16/11/2012.

P4:- TRUE COPY OF THE CERTIFICATE ISSUED BY THE KOZHIKODE DISTRICT RIFFLE ASSOCIATION.

P5:- TRUE COPY OF THE JUDGMENT DATED 08/12/2014 IN WP(C).NO.31290/2014.

P6:- TRUE COPY OF THE ORDER NO. D3 54369/12 PASSED BY THE 2ND RESPONDENT DATED 05/2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

K. VINOD CHANDRAN, J.

W.P.(C) No. 17211 of 2015 (B)

Dated this the 24th day of June, 2015

J U D G M E N T

The petitioner is aggrieved with Exhibit P6 order passed by the District Magistrate under the Arms Act, 1959 and the Rules framed thereunder, with reference to Arms License No.2416/KDE, being that of a DBBL gun. The petitioner assails Exhibit P6 order for reason of it being violative of the principles of natural justice and the same having been passed without any application of mind.

2. The learned Government Pleader, however, submits that the Arms License which is referred to in Exhibit P6 is one issued for the DBBL gun and specifically it has been stated in Exhibit P6 that the petitioner was heard in the matter.

3. This Court is of the opinion that, without going into the aforesaid controversy, the matter can be disposed of, because this Court is of the view that Exhibit P6 is

vitiated for total non-application of mind. The rejection is made for the reason that the District Police Chief has not recommended the renewal and that as per the Government Order cited therein, it was informed that the Government of India has now set new guidelines and made restrictions in granting renewals of Arms Licenses. No details of the report of the District Police Chief or the new guidelines/regulations are forthcoming in Exhibit P6 order.

4. This Court has considered the issue of renewal of Arms Licence and has held that mere recommendation of the District Police Chief should not regulate such issuance of licence, as has been held in **Ganesh Prasad v Board of Revenue (LR) [2005 (2) KLT 645]** and **Chandran Nair C. v. Additional District Magistrate, Kasaragod and others [2015 (1) KHC 351],** the copies of which will be produced before the authority.

5. In such circumstances, Exhibit P6 would stand set aside. The petitioner would appear before the District

Magistrate, Kozhikode on **01.07.2015**, on which date the petitioner shall be issued with a notice of hearing within two weeks from that date and the matter shall be disposed of keeping in mind the judgments afore-cited as also the Circular issued by the Government of Kerala as per Letter No.16109/F1/15/Home dated 9.3.2015, within a period of two weeks from the date of hearing.

The writ petition is disposed of as above.

Sd/-
K.VINOD CHANDRAN,
JUDGE

jjj