

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN**

**FRIDAY, THE 26TH DAY OF JUNE 2015/5TH ASHADHA, 1937**

**WP(C).No.17999 of 2015 (Y)**  
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**PETITIONER:**  
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**K.SIVANANDAN,S/O.KUTTIKRISHNAN,  
PALANCHERYIKKALAM,NENMENY P.O,  
KOLLAMKODE,PALAKKAD DISTRICT.**

**BY SRI.T.A.SHAJI (SENIOR ADVOCATE)  
ADVS.SRI.P.R.BANERJI  
SMT.NAMITHA JYOTHISH**

**RESPONDENT'S:**  
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- 1. THE DISTRICT COLLECTOR,  
PALAKKAD,PIN-678001.**
- 2. THE ADDITIONAL DISTRICT MAGISTRATE,  
PALAKKAD,PIN-678001.**
- 3. THE SUPERINTENDENT OF POLICE,  
PALAKKAD,PIN-678001.**
- 4. STATE OF KERALA,  
REPRESENTED BY THE SECRETARY TO GOVERNMENT,  
REVENUE DEPARTMENT,THIRUVANANTHAPURAM,PIN-695001.**

**R1 TO R4 BY GOVT. PLEADER SMT.C.K.SHERIN.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 26-06-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**pk**

**WP(C).No.17999 of 2015 (Y)**  
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**APPENDIX**

**PETITIONER'S EXHIBITS:**  
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- P1: TRUE COPY OF THE PROCEEDINGS OF THE 2ND RESPONDENT  
DATED 01.10.2009 RENEWING THE ARMS LICENSE TO THE PETITIONER.**
- P2: TRUE COPY OF THE COMMUNICATION DATED 09.01.2011 OF THE 1ST  
RESPONDENT.**
- P3: TRUE COPY OF THE ORDER OF THE 1ST RESPONDENT  
DATED 01.08.2013.**
- P4: TRUE COPY OF THE PROCEEDINGS DATED 20.01.2014 OF THE LAND  
REVENUE COMMISSIONER.**

**RESPONDENT'S EXHIBITS:**  
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**NIL**

**//TRUE COPY//**

**P.S. TO JUDGE**

**pk**

**K. VINOD CHANDRAN, J.**

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**W.P(C). No.17999 of 2015**  
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**Dated this the 26<sup>th</sup> day of June, 2015.**

**JUDGMENT**

The petitioner is aggrieved with Exhibit P3 order passed by the District Magistrate under the Arms Act, 1959 and the Rules framed thereunder, with reference to Arms Licence No.790/CTR, being that of a SBBL gun. The petitioner assails Exhibit P3 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 counsel for the petitioner submits that the petitioner submitted as application for renewal of the licence of as early as on 10.12.2010, after satisfying all the legal prerequisites prescribed under the Rules and that the same has been rejected vide Ext.P3 order.

3. The learned Government Pleader, however, submits that

the Arms Licence, which is referred to in Exhibit P3, is one issued for the SBBL gun and specifically it has been stated in Exhibit P3 that the petitioner is not facing any threat and the renewal of his Arms Licence is not recommended.

4. 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 P3 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 Licences. No details of the report of the District Police Chief or the new guidelines/regulations are forthcoming in Exhibit P3 order. 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 P3 would stand set aside. The petitioner would appear before the District Magistrate, Palakkad on 27.07.2015, on which date the petitioner shall be issued with a notice of hearing and the matter shall be disposed of keeping in mind the judgments afore-cited, within a period of two weeks from the date of hearing.

The writ petition is disposed of as above.

**K. VINOD CHANDRAN,  
JUDGE**

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