

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 8TH DAY OF JULY 2015/17TH ASHADHA, 1937

WP(C).No. 19022 of 2015 (C)

PETITIONER:

**T.I.CHANDRASEKHARAN, AGED 59 YEARS,
RETIRED EXCISE PREVENTIVE OFFICER, S/O ITTIYATHI,
THADATHILPLACKAL HOUSE, THAIKKATTUKARA, ALUVA-683106.**

BY ADV. SRI.A.P.SUBHASH

RESPONDENTS:

- 1. DISTRICT COLLECTOR,
CIVIL STATION, KAKKANAD, ERNAKULAM-682030.**
- 2. ADDL.DISTRICT MAGISTRATE, ERNAKULAM,
CIVIL STATION, KAKKANAD, ERNAKULAM-682030.**

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1 TRUE COPY OF THE RENEWAL APPLICATION DATED 16/10/2014**
- EXT.P2 REPORT OF THE VILLAGE OFFICER DATED 05/11/2014 HAVING
 NO.58/14**
- EXT.P3 TRUE COPY OF THE JUDGMENT DATED 01/06/2015 IN WP(C)14610/2015**
- EXT.P4 TRUE COPY OF ACNOWLEDGMENT RECEIPT HAVING NO.M3/40676/15
 DATED 13/06/2015**
- EXT.P5 TRUE COPY OF ORDER DATED 28/05/2015 HAVING
 NO.D.DIS/78277/2014/M3**
- EXT.P6 TRUE COPY OF ENVELOPE CONTAINING POSTAL SEAL DATED
 17/06/2015.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

K. VINOD CHANDRAN, J

W.P(C) No.19022 of 2015

Dated this the 08th day of July, 2015

J U D G M E N T

The petitioner is aggrieved with non-consideration of renewal application of his gun licence. Ext.P1 renewal application is dated 16.10.2014. The petitioner earlier approached this Court when Ext.P1 application is pending before the respondents. This Court by Ext.P3 judgment dated 01.06.2015 in W.P(C) No.14610/2015, disposed of the same recording the undertaking of the Government Pleader that the matter was heard on 12.05.2015 and orders passed positively, in accordance with law. It is now contended by the petitioner that there was no hearing conducted by the respondent on 12.05.2015. That submission cannot be countenanced since the submission of the learned Government Pleader was not controverted, when Ext.P3 was issued. Further the petitioner does aver in the writ petition that he produced the judgment before the District Collector.

2. In any event the respondents after the receipt of Ext.P3 judgment, rejected Ext.P1 application of the petitioner, by Ext.P5, pre-dating the order as 28.05.2015, even before Ext.P3 judgment dated 01.06.2015. It is evident from Ext.P6 that Ext.P5 was despatched from the Collectorate only on 17.06.2015 and the petitioner received the same on 18.06.2015. It is also to be noticed that the rejection order, Ext.P5 by its recital indicates that it is passed by Sri.P.I Sheik Pareeth I.A.S who was the earlier incumbent. The District Collector was hence asked to explain the circumstances of the obvious mistake in the order. An affidavit has been filed explaining the mistake occurred as due to the expedient steps taken to pass the order as undertaken before this Court, and recorded in Ext.P3. District Collectors would be inundated with work, but that cannot lead to such indifference. Such omissions would only lend credence to the allegations of the public that the orders said to be passed by the quasi-judicial officers, by virtue of powers conferred by a statute, often are passed by their subordinates and merely authenticated with the signature

of the officers conferred with such power.

3. Ext.P5 is set aside for total non-application of mind.

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. In such circumstance, the authority has to consider the same expeditiously in accordance with the binding precedents.

Writ petition is disposed of.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge