

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 7TH DAY OF JULY 2015/16TH ASHADHA, 1937

WP(C).No. 22957 of 2012 (T)

PETITIONER(S) :

**P.D.GEORGE, AGED 63 YEARS,
PLANTER, S/O.LATE KOCUDEVASSY,
RESIDING AT PUNNAMPARAMBIL HOUSE, KALPARAMBU P.O.,
MUKUNDAPURAM TALUK, THRISSUR DISTRICT.**

**BY ADVS.SRI.P.K.JOSE
SMT.TESSY JOSE**

RESPONDENT(S) :

- 1. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY TO GOVERNMENT,
THIRUVANANTHAPURAM, PIN- 695 001.**
- 2. DISTRICT COLLECTOR,
(DISTRICT MAGISTRATE), THRISSUR, HEAD QUARTERS,
AYYANTHOLE, THRISSUR, PIN- 680 001.**
- 3. THE COMMISSIONER FOR LAND REVENUE,
TRIVANDRUM, PIN- 695 001.**

BY GOVERNMENT PLEADER SRI.MANOJ P.KUNJACHAN

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

Msd.

WP(C).No. 22957 of 2012 (T)

APPENDIX

PETITIONER(S)' EXHIBITS :

P1: TRUE COPY OF APPEAL NO.LRA5-46913/2011 DATED 18.10.2011.

P2: TRUE COPY OF ORDER OF THE 3RD RESPONDENT DATED 07.08.2012.

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

K. VINOD CHANDRAN, J.

W.P.(C) No. 22957 of 2012 (T)

Dated this the 7th day of July, 2015

J U D G M E N T

The petitioner is aggrieved with Exhibit P2 order passed by the Land Revenue Commissioner in an appeal under the Arms Act, 1959, with reference to Arms License No.622/MKP, being that of a Single Bore Mussle Loader gun. The petitioner assails Exhibit P2 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. This Court is of the view that Exhibit P2 is vitiated for total non-application of mind. The rejection is made for the reason that there is no threat to the life of the petitioner as reported by the District Police Chief. No details of the report of the District Police Chief is forthcoming in Exhibit P2 order.

3. 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, 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.

4. In such circumstances, Exhibit P2 would stand set aside. The petitioner would appear before the Commissioner for Land Revenue, Thriuvananthapuram on **21.07.2015**, on which date the petitioner shall be given 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 one month from the date of hearing.

The writ petition is disposed of as above.

Sd/-
K.VINOD CHANDRAN,
JUDGE