

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.K.ABDUL REHIM

MONDAY, THE 16TH DAY OF FEBRUARY 2015/27TH MAGHA, 1936

WP(C).No. 29166 of 2012 (U)

PETITIONER:

**N.C.JOSE,
NETTIKADAN HOUSE,
MELOOR P.O NEAR RIVER VIZ.CHALAKUDY PIN 680311**

**BY ADVS.SRI.SAJI KURIACHAN
SRI.M.R.NANDAKUMAR**

RESPONDENT(S):

**1. STATE OF KERALA
REPRESENTED BY THE SECRETARY HOME DEPARTMENT
GOVERNMENT SECRETARIAT THRIUVANANTHAPURAM - 695001**

**2. THE DISTRICT COLLECTOR
THRISSUR - 680001**

R2 BY GOVERNMENT PLEADER SRI. E.M. ABDUL KHADER

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PETITIONER(S) EXHIBITS

EXT.P1 TRUE COPY OF THE PROCEEDINGS DATED 08-06-2012 FROM THE 2ND RESPONDENT.

EXT.P2 TRUE COPY OF THE CIRCULAR DATED 14-09-2010 FROM THE 1ST RESPONDENT.

RESPONDENTS EXHIBITS: NIL

/TRUE COPY/

P.A. TO JUDGE

SKV

C.K.ABDUL REHIM, J.

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W.P.(C). No. 29166 OF 2012

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Dated this the 16th day of February, 2015

JUDGMENT

Challenge is against Ext.P1 order passed by the 2nd respondent through which the renewal of arm licence was rejected to the petitioner relying on a Government Circular to the effect that if there is no threat to life of the holder of the arm licence the licence need not be renewed.

2. It is held by this court in the decision in ***Muhammed Shafi v District Collector 2012 I KLT 427*** that refusal of arm licence can only be in accordance with the provisions under Section 14 of the Arms Act. Evidently the reasons mentioned in Ext.P1 for refusal of the renewal of arm licence is not one coming within the purview of Section 14 of the Act. Under such circumstances Ext.P1 cannot be sustained as an order issued legally.

3. Therefore this writ petition is allowed and Ext.P1 is hereby quashed. The 2nd respondent is directed to re-consider the application for renewal of the arm licence and to dispose of the

same in accordance with law, taking note of the observations contained herein. A decision on the renewal application shall be taken at the earliest possible, at any rate within a period of one month from the date of receipt of a copy of this judgment.

Sd/-
C.K.ABDUL REHIM, JUDGE

SKV