

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

WP(C).No.27296 of 2014 (J)

PETITIONER:

**MOHAMMED ABDUL RAHIMAN,
S/O.KUNHUMARAKKAR,AGED 58 YEARS,
RESIDING AT KUTTIKKARIPOTTU HOUSE,
ERAMANGALAM,VELIYAMCODE VILLAGE,
PONNANI TALUK,MALAPPURAM DISTRICT.**

BY ADV.SRI.C.M.MOHAMMED IQUABAL

RESPONDENTS:

- 1. STATE OF KERALA,REPRESENTED BY
THE SECRETARY TO THE HOME DEPARTMENT,
GOVERNMENT SECRETARIAT,THIRUVANANTHAPURAM,
PIN-695001.**
- 2. THE DISTRICT MAGISTRATE,THRISSUR,
POST THRISSUR,PIN-680001.**
- 3. THE DISTRICT POLICE CHIEF,THRISSUR (RURAL),
POST THRISSUR,PIN-680001.**
- 4. THE TAHSILDAR,TALAPPILLY TALUK,
POST TALAPPILLY,THRISSUR DISTRICT,
PIN-680001.**
- 5. THE SUB INSPECTOR OF POLICE,
CHERUTHURUTHY POLICE STATION,
POST CHERUTHURUTHY,PIN-679531.**
- 6. ABDUL KHADER,AGED 45 YEARS,
S/O.VEEARAN HAJI,SOURYANPARAMBIL HOUSE,
THALASSERY VILLAGE,P.O.THALASSERY,
THALAPPILLY TALUK,THRISSUR-679532.**

**R1 TO R5 BY GOVT. PLEADER SRI.RAFEEL V.K
R6 BY ADVS.SRI.M.G.KARTHIKEYAN
SRI.NIREESH MATHEW**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 25-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

APPENDIX

PETITIONER'S EXHIBITS AND ANNEXURES:

**EXHIBIT P1-THE TRUE COPY OF THE ORDER IN I.A.1885/2005 IN OS.313/2005
DATED 28-3-2005 OF THE PRINCIPAL SUB COURT, THRISSUR.**

**EXHIBIT P2-THE TRUE COPY OF THE COMPLAINT IN CMP 7317/2013 ON THE FILE
OF THE JFCM COURT, VADAKKANCHERRY DATED 6-7-2013.**

**EXHIBIT P3-THE TRUE COPY OF THE FIR IN CRIME NO.566/2013 OF
CHERUTHURUTHY POLICE STATION DATED 9-7-2013.**

**EXHIBIT P4-THE TRUE COPY OF THE APPLICATION FOR ARMS AND LICENSE
FILED BY THE 6TH RESPONDENT DATED 7-1-2010.**

**EXHIBIT P5-THE TRUE COPY OF THE LETTER ISSUED BY THE 2ND
RESPONDENT DATED 10-3-2013.**

**EXHIBIT P6-THE TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE
6TH RESPONDENT DATED 15-5-2013.**

**EXHIBIT P7-THE TRUE COPY OF THE REPORT OF THE 3RD RESPONDENT
DATED 22-7-2013.**

**EXHIBIT P8-THE TRUE COPY OF THE REPORT OF THE 5TH RESPONDENT
DATED 28-12-2013.**

**EXHIBIT P9-TRUE COPY OF THE LEGAL OPINION DATED 30-11-2013 OF THE
PUBLIC PROSECUTOR,THRISSUR.**

**EXHIBIT P10-THE TRUE COPY OF THE ORDER DATED 3-2-2014 ISSUED BY THE
2ND RESPONDENT.**

**EXHIBIT P11-THE TRUE COPY OF THE PETITION FILED BEFORE THE JFCM
COURT, VADAKKANCHERY DATED 19-3-2014.**

**EXHIBIT P12-THE TRUE COPY OF THE REPRESENTATION FILED BY THE
PETITIONER BEFORE THE DISTRICT POLICE SUPERINTENDENT,
THRISSUR DATED 31-01-2014.**

RESPONDENT'S EXHIBITS AND ANNEXURE:

ANNEXURE R5(a):A COPY OF THE REPORT DATED 21.7.2013.

//TRUE COPY//

P.S. TO JUDGE

A.V.RAMAKRISHNA PILLAI, J

WPC No.27296 of 2014

Dated this the 25th day of March, 2015

JUDGMENT

Ext.P10 order granting gun license to the 6th respondent is under challenge.

2. The petitioner is a resident of Veliyamcode Village in Ponnani Taluk of Malappuram District. According to him, he along with his brother Abdul Rasheed purchased 40 cents of land with a building as per Document No.747/2007 of SRO Valanchery from the 6th respondent and others. He alleges that the above document was executed suppressing the fact that a civil suit and Ext.P1 injunction order was in force with regard to the property. Therefore, the petitioner moved Ext.P2 complaint and Ext.P3 FIR against the 5th respondent and others. The further allegation of the petitioner is that pending the above

crime, Ext.P4 application for gun license was filed by the 6th respondent. Even though the criminal case was noticed, the second respondent issued Ext.P10 order granting gun license to the petitioner.

3. I have heard the learned counsel for the petitioner, the learned Senior Government Pleader and the learned counsel for the 6th respondent.

4. As per the counter affidavit filed by the State the second report of the S.I. of Police was forwarded to the District Police Chief, Thrissur Rural just 12 days after the registration of the case.

5. The learned counsel for the 6th respondent would submit that nobody has an allegation that the arm in respect of which the license was renewed has been used by the 6th respondent in the commission of any offence.

6. As the circumstances pointed out by the petitioner in the writ petition is too remote and is not relevant for the consideration while issuing the license, this Court is of the view that an interference by this Court at this juncture in exercise of the

powers conferred under Article 226 of the Constitution of India is unwarranted.

Therefore, this writ petition is dismissed.

**Sd/- A.V.RAMAKRISHNA PILLAI
JUDGE**

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true copy

P.S.TO JUDGE