

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 20TH DAY OF OCTOBER 2015/28TH ASWINA, 1937

WP(C).No. 27864 of 2015 (G)

PETITIONER :

**K. SIVANANDAN, AGED 54 YEARS,
S/O. KUTTIKRISHNAN
PALANCHERYIKKALAMNENMENY P.O. KOLLAMKODE
PALAKKADDISTRICT.**

**BY ADVS.SRI.T.A.SHAJI (SR.)
SRI.P.R.BANERJI
SMT.NAMITHA JYOTHISH
SRI.V.VINCENT DIDACOSE
SRI.DARSAN SOMANATH**

RESPONDENTS :

- 1. THE DISTRICT COLLECTOR, PALAKKAD
PIN - 678 001.**
- 2. THE ADDITIONAL DISTRICT MAGISTRATE
PALAKKAD, PIN - 678 001.**
- 3. THE SUPERINTENDENT OF POLICE,
PALAKKAD, PIN - 678 001.**
- 4. STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
REVENUE DEPARTMENT
THIRUVANANTHAPURAM.PIN - 695 001.**

BY GOVERNMENT PLEADER SRI. BIJU MEENATOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P-1: TRUE COPY OF THE PROCEEDINGS OF THE 2ND RESPONDENT
DATED 1.10.2009 RENEWING THE ARMS LICENCE OF THE PETITIONER.
- EXT.P-2: TRUE COPY OF THE COMMUNICATION DATED 9.1.2011 OF THE 1ST
RESPONDENT
- EXT.P-3: TRUE COPY OF THE ORDER OF THE 1ST RESPONDENT DATED 1.8.2013.
- EXT.P-4: TRUE COPY OF THE PROCEEDINGS DATED 20.1.2014 OF THE LAND
REVENUE COMMISSIONER.
- EXT.P-5: TRUE COPY OF THE JUDGMENT DATED 26.6.2015 IN WPC 17999/15 OF
THIS HON'BLE COURT.
- EXT.P-6: TRUE COPY OF THE ORDER DATED 22.8.2015 OF THE 1ST RESPONDENT

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.27864 of 2015

Dated this the 20th day of October, 2015

JUDGMENT

The petitioner, aggrieved by denial of renewal of arms licence, has approached this Court. The reason stated in the impugned order is that the Government of India issued a circular prescribing new guidelines and made restrictions in granting arms licence. Therefore, arms licence cannot be granted.

This Court in several judgments held that refusal can only be in the light of Section 14 of the Arms Act. The circular cannot override the statutory provisions. In that view of the matter, the impugned order is set aside. There shall be a direction to the first respondent to renew the arms licence within one month from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

In