

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 28TH DAY OF SEPTEMBER 2015/6TH ASWINA, 1937

WP(C).No. 29184 of 2015 (T)

PETITIONER:

**N.T.MATHEW WILSON,
NADUVIKUNNATH HOUSE,
WATER FRONT ENCLAVE, KADAVANTHARA,
KOCHI-20.**

**BY ADVS.SRI.AUGUSTINE JOSEPH
SRI.K.S.ROCKEY
SRI.TONY AUGUSTINE
SRI.GEORGE RENOY**

RESPONDENT(S):

- 1. DISTRICT COLLECTOR,
CIVIL STATION, KAKKANAD,
ERNAKULAM-682 030.**
- 2. STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
HOME DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 29184 of 2015 (T)

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT.P1: TRUE COPY OF THE APPLICATION DT. 27/9/12 FOR RENEWAL OF
LICENSE UNDER THE ARMS ACT.
- EXT.P2: TRUE COPY OF THE LETTER DT. 9/2/15 FROM THE 1ST RESPONDENT.
- EXT.P3: TRUE COPY OF THE JUDGMENT DT. 3.3.15 IN WPC NO. 6620/15.
- EXT.P4: TRUE COPY OF THE ORDER DT. 9/9/15 FROM THE 1ST RESPONDENT.
- EXT.P5: TRUE COPY OF THE JUDGMENT DT. 11/8/15 IN WPC 24656/12.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 29184 of 2015

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Dated this the 28th day of September, 2015

J U D G M E N T

The petitioner impugning an order passed by the first respondent in application for renewal of arms licence has approached this Court. The application for renewal has been rejected by the impugned order.

2. It is stated in the impugned order as follows:

“The arms license is renewed not only on the basis of Sec.14 of Arms Act 1959 but also considering the circular No. V-11016/16/2009 – Arms dated 31.03.2010 issued by Central Government, restricting the possession of Arms Licences only to those person who face grave and imminent threat to their lives with an intention to curb the proliferation of arms and to prevent the misuse of arms by terrorist groups and anti-social elements. The State Government also issued a circular in the light of the circular issued by the Central Government. In pursuance to the above guidelines, I am not convinced that the applicant needs an Arms license.”

3. This Court in several judgments held that Arms license can be rejected only in accordance with the grounds enumerated u/s 14 of the Arms Act. This Court has interfered in Muhammed Shafi vs. District Collector (2012 (1) KLT 427), Chandran Nair Vs. Additional District Magistrate (2015(1) KLT 41) and Jose Kuttiyany

Vs. Land Revenue Commissioner and others (2015 (3) KHC 831).

It is obvious that the rejection is on the ground other than the grounds enumerated u/s 14 of the Arms Act.

4. The reason stated in the impugned order is that there is no threat to the life of the petitioner. This Court is of the view that the above reason is unsustainable in law. In view of the judgment cited (supra), the impugned order is set aside. There shall be a direction to the first respondent to renew the license. Needful shall be done within a period of one month from the date of receipt of the copy of this judgment.

The writ petition is disposed of, as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE