

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 7TH DAY OF OCTOBER 2015/15TH ASWINA, 1937

WP(C).No. 30396 of 2015 (Y)

PETITIONER :

**K.R.JAYARAM KUMAR, AGED 57 YEARS,
KULAPPADAM ESTATES, KUMARAMPUTHOOR.P.O,
MANNACADU, PALAKKAD-678582.**

**BY ADVS.SRI.N.N.SUGUNAPALAN (SR.)
SRI.S.SUJIN
SRI.NAVANEETH D.PAI**

RESPONDENTS :

- 1. THAHSILDAR,
MANNARKAD, PALAKKAD-678582.**
- 2. SUPERINTENDENT OF POLICE,
PALAKKAD-678582.**
- 3. ADDITIONAL DISTRICT MAGISTRATE,
DISTRICT COLLECTORATE, PALAKKAD-678582.**
- 4. THE DISTRICT COLLECTOR,
PALAKKAD-678582.**
- 5. LAND REVENUE COMMISSIONER,
SECRETARIAT, THIRUVANANTHAPURAM-695001.**
- 6. THE PRINCIPAL SECRETARY,
REVENUE(G)DEPARTMENT, GOVERNMENT OF KERALA
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695001.**

BY GOVERNMENT PLEADER SRI. BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE ORDER DATED 08.03.2011 ISSUED BY THE DISTRICT MAGISTRATE, PALAKKAD.
- P2: TRUE COPY OF THE APPEAL DATED 28.4.2011 PREFERRED BY THE PETITIONER BEFORE THE LAND REVENUE COMMISSIONER.
- P3: TRUE COPY OF THE PROCEEDINGS DATED 27.5.2011 OF THE DISTRICT MAGISTRATE, PALAKKAD.
- P4: TRUE COPY OF THE APPEAL DATED 21.6.2011 FILED BY THE PETITIONER BEFORE THE LAND REVENUE COMMISSIONER.
- P5: TRUE COPY OF THE LETTER DATED 3.9.2014 SUBMITTED BY THE PETITIONER.
- P6: TRUE COPY OF THE ORDER DATED 22.09.2014 OF THE 5TH RESPONDENT.
- P7: TRUE COPY OF THE PETITION DATED 7.11.2014 ALONG WITH THE COURIER RECEIPT
- P8: TRUE COPY OF ORDER DATED 04.02.2015 OF THE 5TH RESPONDENT.
- P9: TRUE COPY OF THE ORDER DATED 02.05.2015 OF THE 5TH RESPONDENT.
- P10: TRUE COPY OF THE PETITION DATED 30.06.2015 FILED BEFORE THE 6TH RESPONDENT.
- P11: TRUE COPY OF THE ORDER DATED 30.06.2015 OF THE 6TH RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A.TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 30396 of 2015

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Dated this the 7th day of October, 2015

J U D G M E N T

The petitioner had applied for renewal of Arms Licence. This was rejected as per Ext.P1 order stating that there is no threat to the life of the petitioner. This was carried in appeal before the Land Revenue Commissioner. However the appeal was dismissed as the petitioner was not present.

2. This Court is of the view that appeal ought not have been dismissed for want of presence of the petitioner. Appellate Authority has to examine the decision of the primary authority on merit as facts are explicit in the order itself.

3. However the scope of even exercise of power by the appellate authority is with reference to the order passed by the District Magistrate. The reason stated in the impugned order is that there is no threat to the life of the petitioner. This Court in several judgments held that the rejection can be only based on the enumerated grounds under Section 14 of the Arms Act. Absence of

threat to the life of the petitioner, cannot be a reason to deny renewal of licence.

4. In that view of the matter, this Court is of the view that the petitioner's application for renewal ought to have been granted. Accordingly the impugned orders are set aside. There shall be a direction to the 3rd respondent to renew the licence in accordance with the statutory provisions within one month from the date of receipt of the copy of this judgment. The renewal shall be granted from the date on which the order is issued by the 3rd respondent.

5. The petitioner has applied for a fresh licence in respect of two new weapons. That has been rejected by Ext.P3 and that has to be considered afresh as the reasons stated in Ext.P3 are unsustainable. In Ext.P3 it is stated that there is no threat to the life of the petitioner. This Court is of the view that application shall be reconsidered afresh in accordance with the law.

The writ petition is disposed of, as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE