

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 13TH DAY OF OCTOBER 2015/21ST ASWINA, 1937

WP(C).No. 31063 of 2015 (G)

PETITIONER :

**M.A.NITHYANADHAN
S/O. LATE ANANTHANPILLAI
MOKAYIL HOUSE, AMBALAMEDU POST
KARIMUGAL, ERNAKULAM, PIN – 682 303.**

**BY ADVS.SRI.VARGHESE K. PAUL
SMT.VINCY MARY VAVACHAN**

RESPONDENT(S) :

- 1. STATE OF KERALA
REPRESENTED BY LAND REVENUE COMMISSIONER
PUBLIC OFFICE BUILDING
MUSEUM JUNCTION, THIRUVANANTHAPURAM
PIN – 695 033.**
- 2. DISTRICT MAGISTRATE & DISTRICT COLLECTOR
CIVIL STATION, KAKKANAD, ERNAKULAM
PIN – 682 030.**

R1 & R2 BY GOVT. PLEADER SMT. C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

APPENDIX

PETITIONER'S EXHIBITS :

- EXT.P1 : COPY OF THE PROCEEDINGS NO. K.DIS M3-677/2008 OF THE 2ND RESPONDENT DATED 20.3.2009.
- EXT.P2 COPY OF THE APPLICATION DATED 3.12.2010 SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT.
- EXT.P3 COPY OF THE PROCEEDINGS NO. D.DIS/72601/2010/M3 OF THE 2ND RESPONDENT DATED 12.8.2013.
- EXT.P4 COPY OF THE APPEAL MEMORANDUM NO. A1/44174/13 FILED BEFORE THE 1ST RESPONDENT BY THE PETITIONER.
- EXT.P4(a) COPY OF THE PETITION FILED BEFORE THE 1ST RESPONDENT BY THE PETITIONER TO CONDONE THE DELAY IN FILING EXT. P4 APPEL.
- EXT.P5 COPY OF THE COMMUNICATION NO. A2/44174/2013/LD ISSUED BY THE 1ST RESPONDENT TO THE WIFE OF THE PETITIONER DATED 16.6.2015.
- EXT.P6 COPY OF THE RECEIPTS NO. 7586.
- EXT.P6(a) COPY OF THE RECEIPTS NO. 5051.
- EXT.P6(b) COPY OF THE RECEIPTS NO. 7592.
- EXT.P6(c) COPY OF THE RECEIPTS NO. 4112.

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

A.MUHAMED MUSTAQUE, J.

W.P(C).No. 31063 of 2015

Dated this the 13th October, 2015

JUDGMENT

The petitioner, aggrieved by the rejection of appeal by the Land Revenue Commissioner filed against the rejection of application for renewal of arms licence, has approached this Court.

2. Admittedly, the petitioner filed the appeal with delay of 57 days. The petitioner had stated reasons for the delay in Exhibit P4 affidavit. The petitioner's case is that the order was received only on 18.8.2013 and he preferred the appeal in the month of November, 2013. As seen from the order impugned, the rejection was on account of the reason that the appeal was filed after one year.

3. It is apparent that the petitioner was not given an opportunity of hearing while considering the application for condoning the delay. Therefore, Exhibit P5 is set aside. The Land Revenue Commissioner is directed to consider

the matter afresh, after affording an opportunity to the petitioner of being heard, within two months from the date of receipt of a copy of this judgment.

The Writ Petition is disposed of as above.

**A.MUHAMED MUSTAQUE
JUDGE**

vgs13/10/15