

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 27TH DAY OF NOVEMBER 2015/6TH AGRAHAYANA, 1937

WP(C).No. 35989 of 2015 (W)

PETITIONER(S) :

**M.S.UNNIKRISHNAN, SON OF SANKARA PILLAI,
VAZHAKOLIL PUTHENVEEDU HOUSE, KELTRON ROAD,
AROOR P.O., PIN- 688 534 CHERTHALA TALUK,
ALAPPUZHA DISTRICT.**

**BY ADVS.SRI.T.P.SAJAN
SRI.M.MOHAMED NAVAZ
SRI.P.SANTHOSH KUMAR (TR)**

RESPONDENT(S):

- 1. THE DISTRICT COLLECTOR & DISTRICT MAGISTRATE, ALAPPUZHA,
OFFICE OF THE DISTRICT COLLECTOR, COLLECTORATE,
ALAPPUZHA, COLLECTORATE P.O, PIN 688 001**
- 2. THE SUPERINTENDENT OF POLICE
O/O THE SUPERINTENDENT OF POLICE, ALAPPUZHA
COLELCTORATE P.O, PIN 688 001**

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 27-11-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 35989 of 2015 (W)

APPENDIX

PETITIONER(S)' EXHIBITS :

- EXHIBIT P1: TRUE COPY OF THE LICENSE ISSUED BY THE DISTRICT
MAGISTRATE SRI NAGAR BEARING NO K/249-P/DMS/09
DATED 02-04-2009 AND RENEWED AS LICENSE NO 419/CHLA**
- EXHIBIT P2: TRUE COPY PROCEEDINGS OF THE FIRST RESPONDENT
DATED 16-2-2012**
- EXHIBIT P3: TRUE COPY OF CIRCULAR NUMBER V 11026/72/2011 ARMS
DATED 19-11-2014 MINISTRY OF HOME AFFAIRS IN THE CENTRAL
GOVERNMENT.**
- EXHIBIT P4: TRUE COPY OF PROCEEDINGS NO K.DIS 52893/2014 /N4
DATED 16-11-2015 ISSUED BY THE FIRST RESPONDENT.**
- EXHIBIT P5: TRUE COPY OF THE JUDGMENT IN W.P(C).NO.31767 OF 2015
DATED 19-10-2015.**
- EXHIBIT P6: TRUE COPY OF RECEIPT ISSUED BY ARMS DEALER" THEKKAN
ARMOURY DATED 20-06-2015**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 35989 of 2015

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Dated this the 27th day of November, 2015

J U D G M E N T

The petitioner had applied for renewal of Arms license. This has been rejected as per the proceedings of the District Magistrate produced as Ext.P4.

2. It is stated in the order that the rejection is on account of fact that there is no threat to the life and property of the petitioner. It is further referred that in the light of the circular issued by the Home Department, no arms license shall be issued for those purposes.

3. The petitioner is a retired BSF Jawan. This Court in several judgment held that the arms licence can be rejected only on the grounds referred u/s 14 of the Arms Act. The reasons stated in the impugned order are not referable under 14 of the Arms Act. In that view of the matter the impugned order is set aside.

4. Accordingly, there shall be a direction to the first respondent to renew the Arms licence to the petitioner within a period of three weeks 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