

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 22ND DAY OF DECEMBER 2015/1ST POUSHA, 1937

WP(C).No. 39246 of 2015 (E)

PETITIONER(S):

**SRI.P.M.MOHAMMED RAFIQUE, AGED 58 YEARS,
S/O.P.V MOIDEEN SAHIB, PUTHIYAVEETIL HOUSE,
IRINJALAKUDA P.O, THRISSUR DISTRICT.**

BY ADV. SRI.MILLU DANDAPANI

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY, HOME DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695 001.**
- 2. THE DISTRICT COLELCTOR,
THRISSUR - 680 003.**
- 3. ADDITIONAL DISTRICT MAGISTRATE,
THRISSUR - 680 003.**
- 4. THE SUPERINTENDENT OF POLICE (RURAL),
THRISSUR - 680 001.**

BY GOVERNMENT PLEADER SRI.BIJU MEENATTOOR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
22-12-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 39246 of 2015 (E)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1 TRUE COPY OF THE PROCEEDINGS NO. K.DIS 58093/91/06 OF THE
ADDITIONAL DISTRICT MAGISTRATE, THRISSUR, DATED 5-10-1991**

**EXHIBIT P2 TRUE COPY OF THE LICENCE NO 903/MKP ISSUED TO THE PETITIONER
VALID UP TO 31-12-1993**

**EXHIBIT P3 TRUE COPY OF THE RENEWAL APPLICATION SUBMITTED BY THE
PETITIONER FOR RENEWING LICENSE NO. 903/MKP TO THE
3RD RESPONDENT**

**EXHIBIT P4 TRUE COPY OF THE CHALLAN NO 530 DATED 7-12-2011 EVIDENCING
PAYMENT OF RS. 150/- AS RENEWAL FEE**

**EXHIBIT P5 TRUE COPY OF THE ORDER NO C7 69910/2011 K DIS DATED 17-05-2012
ISSUED BY THE 3RD RESPONDENT**

**EXHIBIT P6 TRUE COPY OF THE REPRESENTATION DATED 14-08-2012 SUBMITTED
BY THE PETITIONER TO THE 3RD RESPONDENT**

**EXHIBIT P7 TRUE COPY OF THE LETTER NO C7 50728/2012/L/DIS DATED 5-09-2012
ISSUED BY 2ND RESPONDENT TO THE PETITIONER**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 39246 of 2015

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Dated this the 22nd day of December, 2015

J U D G M E N T

The petitioner's father was holder of Arms licence. On demise of his father, the licence has been transferred to the petitioner's name. Thereafter, the petitioner applied for renewal. This was rejected stating that there is no threat to the life of the petitioner. The petitioner again approached before the Additional District Magistrate to reconsider the matter by Ext.P6. This has been rejected by Ext.P7 stating that remedy of the petitioner to approach the Land Revenue Commissioner.

2. Essentially the petitioner sought a revision of the order of the Additional District Magistrate as the petitioner was not heard.

3. By taking note of the nature of ground for rejection, this Court is of the view that the matter requires reconsideration. Accordingly the impugned order is set aside. It is made clear

that the rejection can be only based on the grounds referred under Section 14 of the Arms Act and not otherwise. Therefore the application shall be reconsidered within two months from the date of receipt of the copy of this judgment after notice to the petitioner.

The writ petition is disposed of, as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE