

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 23RD DAY OF DECEMBER 2015/2ND POUSHA, 1937

WP(C).No. 39853 of 2015 (F)

PETITIONER(S) :

**JOSEPH THOMAS,
SON OF THOMAS, KIZHAKKE VALIYAVEETIL HOUSE,
KUNNUMMA VILLAGE, PULINKUNNU P.O, PIN-688 504,
ALAPPUZHA DISTRICT.**

**BY ADVS.SRI.T.P.SAJAN
SRI.M.MOHAMED NVAZ
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, COLLECTORATE.P.O, PIN-688 001.**

BY GOVERNMENT PLEADER SMT.C.K.SHERIN

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Msd.

WP(C).No. 39853 of 2015 (F)

APPENDIX

PETITIONER(S)' EXHIBITS :

**EXT. P1: TRUE COPY OF THE LICENSE ISSUED BY THE DISTRICT
MAGISTRATE RAJURI BEARING NO. K BEARING
NO. 1193/R90501/04 DATED 09/01/2008.**

**EXT. P2: TRUE COPY OF PROCEEDINGS OF THE FIRST RESPONDENT
DATED 06/07/2012.**

**EXT. P3: TRUE COPY OF PROCEEDINGS NO.K.DIS 55757/13/N4
DATED 08/10/2014 ISSUED BY THE FIRST RESPONDENT.**

**EXT. P4: TRUE COPY OF THE JUDGMENT IN W.P(C).NO.35989/2015
DATED 27/11/2015.**

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.S.TO JUDGE.

Msd.

A.MUHAMED MUSTAQUE, J.

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**W.P.(C).No.39853/2015**

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Dated this the 23rd Day of December, 2015

J U D G M E N T

The petitioner applied for renewal of arms licence, which was rejected as per the proceedings of the District Magistrate produced as Exhibit P3.

2. It is stated in Exhibit P3 order that the rejection is on account of the 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 dated 14/09/2010 issued by the Home Department, arms licence shall be issued only if there is threat to life or property.

3. The petitioner retired as a military personnel.

4. This Court in several judgements has held that the arms licence can be rejected only on the grounds referred to under Section 14

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of the Arms Act. The reasons stated in the impugned order are not referable to Section 14 of the Arms Act. In that view of the matter, the impugned order is set aside. Accordingly, there shall be a direction to the first respondent to renew the arms licence to the petitioner with the period of three weeks from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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