

HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.19055 of 2010

ORDER:

In the present writ petition, the challenge is to the order passed by the third respondent/District Collector, Kadapa District at Kadapa vide endorsement No.L.Fari.C3/184/M/10, dated 11.05.2010. By virtue of the impugned endorsement, the third respondent/District Collector herein refused to grant the Gun License in favour of the petitioner herein.

2. When the matter is taken up today, a preliminary objection is taken by the learned Government Pleader for Home that the present writ petition is not maintainable in view of the alternative and efficacious remedy of appeal provided under Rule 55 of the Arms Rules, 1962.

Rule 55 of the Arms Rules, 1962 reads as under:

“55. [Appeal against the order of a licensing authority or an authority suspending or revoking a licence under Sec. 17 (6)] - In any case in which an authority issues an order-

(a) refusing to grant or renew a licence or to give a no-objection certificate for such grant or renewal, or

(b) varying any condition of a licence or suspending or revoking a licence under sub-section (1) or sub-section (3) or sub-section (6) of Sec. 17, the person aggrieved by such order may, within thirty days from the date of issue of the order, and subject to the proviso to sub-section (2) of Sec. 18 prefer an appeal against that order, to the concerned appellate authority.”

3. In view of the alternative and efficacious remedy as stipulated under Rule 55 of the Arms Rules, 1962, this Court is not inclined to entertain the present writ petition. However, taking into consideration the controversy, this Court deems it appropriate to permit the petitioner herein to avail the above said alternative remedy of appeal.

4. For the aforesaid reasons, writ petition is disposed of, permitting the petitioner herein to file appeal under Rule 55 of Arms Rules, 1962 against the impugned endorsement in Proceedings No.L.Fari.C3/184/M/10, dated 11.05.2010, issued by the District Collector, Kadapa District/third respondent herein, within a period of

one month from the date of receipt of a copy of this order. If any such appeal is filed, within the time stipulated above, the appellate authority shall consider the same, in accordance with law and pass appropriate orders, after giving due opportunity of hearing to the petitioner. Miscellaneous petitions pending in this writ petition, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date:24.03.2015
grk



HON’BLE SRI JUSTICE A.V.SESHA SAI

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Between:

R.Thippa Reddy, S/o Yerapa Reddy,
Aged about 53 years, Occ: Advocate,
R/o D.No.3/368, Dr. Sarada Nursing Home,
R.S.Road, Kadapa, Kadapa District.

Petitioner

and

The Government of Andhra Pradesh,

represented by its Principal Secretary,
Home Department, Secretariat Buildings,
Hyderabad and three others.

... Respondents

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