

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.33254 of 2012

ORDER:

The grievance of the petitioner was with regard to the memo dated 28.08.2012 issued by the District Collectorate, Nalgonda, and the consequential notice dated 07.09.2012 of the Sub-Inspector of Police, Miryalaguda I Town Police Station, Nalgonda District.

The petitioner was granted an Arms Licence in relation to his .32 bore Revolver on 17.04.1979. The said licence was renewed thereafter from time to time. However, when he applied for further renewal in the year 2011, the same was rejected under the impugned memo dated 28.08.2012 of the District Collectorate, Nalgonda. As his renewal application stood rejected, the Sub-Inspector of Police, Miryalaguda I Town Police Station, Nalgonda District, issued the consequential notice dated 07.09.2012 asking the petitioner to deposit his weapon.

Despite the lapse of nearly three years since the institution of this writ petition, no counter-affidavit has been filed by the respondents.

Section 15 of the Arms Act, 1959, deals with the duration and renewal of licence. Sub-section (3) thereof provides that every licence shall, unless the licensing authority for reasons to be recorded in writing otherwise decides in any case, be renewable for the same period for which the licence was originally granted.

In the present case, perusal of the impugned memo dated 28.08.2012 reflects that the Superintendent of Police, Nalgonda, was stated to have enquired into the matter and submitted report dated 25.06.2012 which was taken into consideration by the District Collectorate to hold that there were no genuine grounds for the

petitioner to have a weapon. It was on this ground that his request for renewal of the armed licence was not considered. There is no indication of the report dated 25.06.2012 submitted by the Superintendent of Police, Nalgonda, having been furnished to the petitioner.

When it is an admitted fact that the petitioner's licence was granted way back in the year 1979 and was renewed thereafter from time to time, the licensing authority, necessarily has to disclose full and proper reasons as to why further renewal was being denied. The statutory mandate requires that such reasons must be recorded in writing. However, the impugned memo falls woefully short insofar as this aspect is concerned. Merely stating that there are no genuine grounds for the petitioner to have a weapon is not sufficient to justify denial of renewal of the licence which was in operation for over three decades by the time of the rejection under the impugned memo.

The impugned memo dated 28.08.2012 falls foul of the statutory requirement and is accordingly set aside. The matter is remanded to the licensing authority for consideration afresh of the petitioner's renewal application dated 13.12.2011 in accordance with law. It is stated that the petitioner's weapon has been deposited with the authorities pursuant to the impugned notice dated 07.09.2012. Upon consideration of the petitioner's renewal application as directed supra, the authorities shall take further steps as regards the said weapon. This entire exercise shall be completed expeditiously and in any event, not later than four weeks from the date of receipt of a copy of this order.

The writ petition is accordingly allowed.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

Date:15.09.2015

GJ