

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.31341 OF 2012

DATED 29th JUNE, 2015

Between:

M. Srinivas Reddy

.. Petitioner

and

The District Collector, Warangal,
And others

.. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.31341 OF 2012

ORDER

The petitioner is aggrieved by the Memo dated 19.09.2012 issued by the Collector, Warangal District, whereby the petitioner's request for renewal of his arms licence was turned down and he was directed to sell his weapon.

The petitioner was granted an arms licence in the year 2007. It was renewed up to 13.07.2012. However, his request for further renewal was turned down under the impugned memo. Renewal of an arms licence is governed by Section 15 of the Arms Act, 1959. Section 15(3) empowers the licensing authority to refuse such renewal and reads as under:

'15. Duration and renewal of licence

(1)

(2)

(3) 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 and shall be so renewable from time to time, and the provisions of sections 13 and 14 shall apply to the renewal of a licence as they apply to the grant thereof.'

It is no doubt true that the impugned Memo contains no reasons what-so-ever and merely makes reference to the report of the Superintendent of Police (Urban), Warangal District, which is stated to contain specific reasons. However, the said report only reflects a brief mention to the effect that there was no specific threat from any person or group to the petitioner's life. There is no indication that the report dated

07.09.2012 of the Superintendent of Police, Warangal, was disclosed to the petitioner. As the refusal of renewal visited adverse civil consequences upon the petitioner apart from the danger perceived by him, the authorities ought to have abided by the principles of natural justice while refusing the renewal.

In that view of the matter, the impugned Memo dated 19.09.2012 of the District Collector, Warangal, cannot be sustained. It is accordingly set aside and the matter is remitted to the file of the Collector, Warangal District, for consideration afresh of the petitioner's application for renewal of his licence in accordance with the due procedure. The Collector, Warangal District, shall afford the petitioner an opportunity of hearing after calling for necessary information from the authorities concerned and thereafter take appropriate action as warranted. Needless to state, he shall pass a reasoned order in the event he again holds against the petitioner. This exercise shall be completed within four weeks from the date of receipt of a copy of this order.

The writ petition is allowed to the extent indicated above. Pending miscellaneous petitions shall stand closed. No order as to costs.

SANJAY KUMAR, J

29th JUNE, 2015
PGS