

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

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WRIT PETITION Nos.13672 and 13827 OF 2015

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W.P.No.13672 of 2015

Between:

Bandi Venkateswara Rao.

.. Petitioner

And

The State of Andhra Pradesh,
Represented by the Principal Secretary to
Home Department, Secretariat Buildings,
Hyderabad and others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 05-08-2015

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SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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|---|--------|
| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals | Yes/No |
| 3. Whether Their Lordship wish to
see the fair copy of the Judgment? | Yes/No |

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION Nos.13672 and 13827 of 2015

COMMON ORDER:

The petitioners in these two cases are aggrieved by the individual endorsements dated -03-2015 issued by the West Godavari Collectorate, Eluru, refusing renewal of their arms licences.

The endorsements are identical in terms and read to the effect that as per the reports of the Superintendent of Police, West Godavari District, Eluru, the applications filed by the petitioners for renewal of their licences were rejected and that the same was intimated. The endorsement issued to the petitioner in W.P.No.13672 of 2015 is signed by the Superintendent for the Collector, West Godavari District. The endorsement given to the petitioner in W.P.No.13827 of 2015 bears a digital signature.

Renewal of arms licences is governed by Section 15(3) of the Arms Act, 1959 (for brevity 'the Act'). Section 15 of the Act deals with operation and renewal of licences and sub-section (3) thereof reads as under:

“(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 was therefore incumbent upon the Licensing Authority to record the reasons in writing as to why renewal of the petitioners' licences was being denied. The impugned endorsements do not reflect any reason whatsoever as to why the petitioners' applications for renewal of their licences have been rejected. Though mention was made of reports having been called for from the Superintendent of Police, West Godavari District, Eluru, copies thereof were not even

furnished to the petitioners for this Court to assume that the said reports supplemented the reasons for such rejection.

Though the learned Assistant Government Pleader for Home would submit that the counter-affidavits filed by the Superintendent of Police, West Godavari District, Eluru, reflect the reasons for denial of renewal, it is a settled position of law that the impugned proceeding must stand on its own merit and cannot draw sustenance and support from the pleadings filed before this Court thereafter (**Mohinder Singh Gill v. The Chief Election Commissioner, New Delhi**^[1]).

The impugned endorsements therefore suffer from a clear infraction of the statutory requirement and cannot be sustained.

The writ petitions are accordingly allowed setting aside the impugned endorsements issued by the West Godavari Collectorate, Eluru, to the petitioners. The Licensing Authority shall consider the applications filed by the petitioners herein for renewal of their arms licences afresh in accordance with the due procedure and take necessary action thereafter. In the event the Licensing Authority again refuses renewal, it shall duly record the reasons therefor and communicate the same to the petitioners. This exercise shall be completed within a period of four (4) weeks from the date of receipt of a copy of this order.

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

SANJAY KUMAR, J

Date:05.08.2015

GJ

^[1] (1978) 1 SCC 405