

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.29427 OF 2012

DATED 26th JUNE, 2015

Between:

M. Nageswara Reddy

.. Petitioner

and

The Collector and District Magistrate,
Kurnool and another

.. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.29427 OF 2012

ORDER

The petitioner is aggrieved by the Endorsement dated 31.07.2012, whereby the Collector, Kurnool District, rejected the petitioner's request for renewal of his arms licence on the ground that there was no specific threat to his life.

It is an admitted fact that the petitioner was granted an arms licence in the year 2007 and was granted one renewal thereafter for a period of three years. The second renewal was rejected under the impugned Endorsement. 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.'

In the present case, the impugned Endorsement demonstrates that reference was made to the report dated 02.07.2012 of the Superintendent of Police, Kurnool District. Admittedly, this document was not supplied to the petitioner before rejection of his request for renewal. In effect, the licensing authority relied on material which remained undisclosed and

held against the petitioner. When the petitioner was already granted an arms licence which had remained in operation for four years, refusal of renewal visited civil adverse consequences upon him and it was incumbent upon the licensing authority to adhere to the principles of natural justice. The action of the Collector, Kurnool District, in holding against the petitioner on the basis of an undisclosed report of the Superintendent of Police, Kurnool, therefore cannot be countenanced. The proper procedure would have been for the Collector, Kurnool District, to disclose the contents of the said report to the petitioner, give him an opportunity of rebutting the same and thereafter take an informed decision in the matter.

That apart, the impugned Endorsement is brief to the point of being cryptic. Section 15(3) requires the licensing authority to record reasons in writing for refusing renewal of a licence. A brief mention to the effect that there was no specific threat to the life of the petitioner does not fulfill this requirement. The petitioner had earlier enjoyed the benefit of a licence and no reasons are forthcoming from the impugned Endorsement as to how the threat, which was perceived earlier, ceased to exist.

For all the aforesaid reasons, the impugned Endorsement dated 31.07.2012 cannot be sustained. It is accordingly set aside and the matter is remitted to the file of the Collector, Kurnool District, for consideration afresh of the petitioner's application for renewal of his licence in accordance with the due procedure. The Collector, Kurnool 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.

26th JUNE, 2015
PGS

SANJAY KUMAR, J