

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.29398 of 2015

ORDER:

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The grievance of the petitioner was that respondents 2 and 3 herein, the District Collector, YSR Kadapa District, and the Superintendent of Police, YSR Kadapa District, were not renewing his arms licence. It is his case that he submitted the application for renewal as long back as on 25.02.2015 but no action was taken thereupon to renew his licence. He further states that in the meanwhile, an attempt was made to kill him on 28.06.2015. He therefore seeks a direction to the authorities to renew his licence for a further period of three years from 06.04.2015, the date of expiry of the existing licence.

The Superintendent of Police, YSR Kadapa District, filed a counter-affidavit admitting that the petitioner submitted an application for renewal of his licence on 25.02.2015. He further stated that the District Collector, YSR Kadapa District, under letter dated 02.03.2015, requested his office to enquire into the matter and offer specific remarks on the desirability of renewing the petitioner's arms licence. According to the Superintendent of Police, YSR Kadapa District, the enquiry conducted by his office revealed that there was no threat to the petitioner. Reference was also made by him to various criminal cases in which the petitioner was allegedly involved. Further, the petitioner was stated to have deposited his weapon with the police authorities only after the expiry of the licence in April 2015. Insofar as the alleged attack on the petitioner on 28.06.2015 is concerned, the Superintendent of Police merely referred to the same but did not elaborate on the truth or otherwise of the claim made by the petitioner in that regard. He concluded by stating that in the event this Court required it, his office would conduct a re-enquiry into the matter as to the threat perception.

The learned Assistant Government Pleader for Revenue appearing for the District Collector, YSR Kadapa District, stated that the report is awaited from the Superintendent of Police and that necessary action would be taken upon receipt thereof.

Section 15(3) of the Arms Act, 1959, deals with renewal of an arms licence. It

states to the effect that the licensing authority, being the District Collector concerned, shall renew an existing arms licence for the period for which it was originally granted in the normal course. However, in the event, the licensing authority decides in any case that such a licence is not to be renewed, it necessarily has to record reasons in writing therefor. Needless to state, such reasons would also have to be communicated to the affected licensee.

In the light of the afore-stated statutory regime, it is not for this Court to consider the desirability of renewal of the petitioner's licence in the first instance. The licensing authority would necessarily have to apply its mind to the issue in accordance with rules and take an appropriate decision in the matter. When the petitioner submitted his application as long back as in February 2015, and his licence was to expire in April 2015, it is not expected that the licensing authority would keep the matter pending for such a long period of time. As the Superintendent of Police, YSR Kadapa District, has not gone into the issue of the alleged attack upon the petitioner on 28.06.2015, it shall be open to him to cause re-enquiry into the threat perception vis-à-vis the petitioner and thereupon submit a report to the District Collector, YSR Kadapa District.

The writ petition is accordingly disposed of directing the District Collector, YSR Kadapa District, to consider the petitioner's application dated 25.02.2015 for renewal of his arms licence in accordance with the rules and upon the report submitted by the Superintendent of Police, YSR Kadapa District, within four weeks from the date of receipt of a copy of this order and take appropriate action thereon. Needless to state, in the event the District Collector, YSR Kadapa District, chooses to reject the petitioner's request for renewal of his arms licence, he has to record reasons therefor and communicate the same to the petitioner.

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

JUSTICE SANJAY KUMAR

6th November, 2015

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