

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.03.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.32720 of 2014

Singanamala Ramesh Babu

... Petitioner

Vs.

1.The Principal Secretary to Government,
Home Department,
Secretariat, Chennai-9.

2.The Commissioner of Police,
Greater Chennai, Vepery,
Chennai-600 007.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 1st respondent to dispose of the petitioner's statutory appeal dated 16.09.2014, within a time frame as may be fixed by this Court.

For Petitioner : Mr.M.Kempuraj

For respondents : Mr.S.Pattabiraman, GA

ORDER

This writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, directing the 1st respondent to dispose of the petitioner's statutory appeal dated 16.09.2014, within a time frame.

2.In the affidavit filed in support of the writ petition, it has been averred by the petitioner as follows_

2-1.The petitioner is doing business as Film Financier-cum-Producer, both in Tamil Nadu and Andhra Pradesh. Originally, the petitioner was having a Arm License No.382/750/R1, which was possessed along with a Caliber 0.32 NP Pistol No.564662. The petitioner was holding the license for the past 6 years from 1993 to 1999. The said arm license was regularly renewed once in three years without any default. The said arm license had expired on 29.06.1999 and the petitioner had applied for the renewal of the arm license vide application dated 01.09.1999. Since there was no response from the 2nd respondent, again on 31.05.2000, the petitioner had sent another

application for the renewal of the same. As per the norms and formalities, the petitioner had bondefidely deposited the said weapon on 31.08.1999. The petitioner's application for renewal was returned for want of signature. Hence, the renewal application was resubmitted after completion of all the formalities. The said application was submitted along with a letter of condonation of delay of 65 days in filing the renewal application. On 14.09.2000, a show cause notice was issued by the 2nd respondent in RC.No.E2(3)/642/65537/99, for which the petitioner had replied on 04.10.2000. But, the 2nd respondent had rejected the renewal of the arm licence on 04.11.2000 vide his proceedings in RC.No.E2(3)/642/65537/99.

2-2.Subsequently, the petitioner had to face certain unforeseen circumstances and threats in pursuance of his business transactions. Hence, the petitioner had once again given a representation on 16.08.2012 to the 2nd respondent along with a fresh application for arm license, either to be considered as fresh application or renewal of the arm licence which was already expired. The respondent vide his proceedings in Rc.No.E2(3)/309/118386/2012 and No.03/R1/Licence/13 had called upon the petitioner to give reply as to why his request for grant of fresh arm licence should not be rejected. According to the petitioner, the 2nd respondent had gone beyond the scope of the issuance of show cause notice, wherein he had given a finding which is pre-determined that the petitioner is not facing any threat in Chennai and that his earlier licence was also cancelled due to non-renewal in time. However, in due compliance with the show cause notice, the petitioner gave a reply on 04.02.2013 to the 2nd respondent. On 04.06.2013, two police officials from the Intelligence Department of the 2nd respondent's office had enquired the petitioner with respect to the arm license and also about the threat. However, the 2nd respondent passed an order on 15.08.2014 rejecting the petitioner's application. Subsequent to the order of rejection, within the statutory period of 30 days, the petitioner filed an appeal on 16.09.2014 before the 1st respondent. Since the petitioner's appeal was not disposed of by the 1st respondent, the petitioner has come forward with the present writ petition seeking to direct the 1st respondent to dispose of the appeal filed by the petitioner.

3.Heard both sides and perused the materials available on record.

4.Considering the limited scope of the prayer sought for in the writ petition, without expressing any opinion on the claim of the petitioner, this Court directs the 1st respondent to consider and dispose of the petitioner's appeal dated 16.09.2014, after affording opportunity of personal hearing to the petitioner as well as to all other necessary parties, if

any, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of.
ssv

-s/d-

Assistant Registrar (CS-VII)

True Copy

Sub-Assistant Registrar

To

1. The Principal Secretary to Government,
Home Department,
Secretariat, Chennai-9.

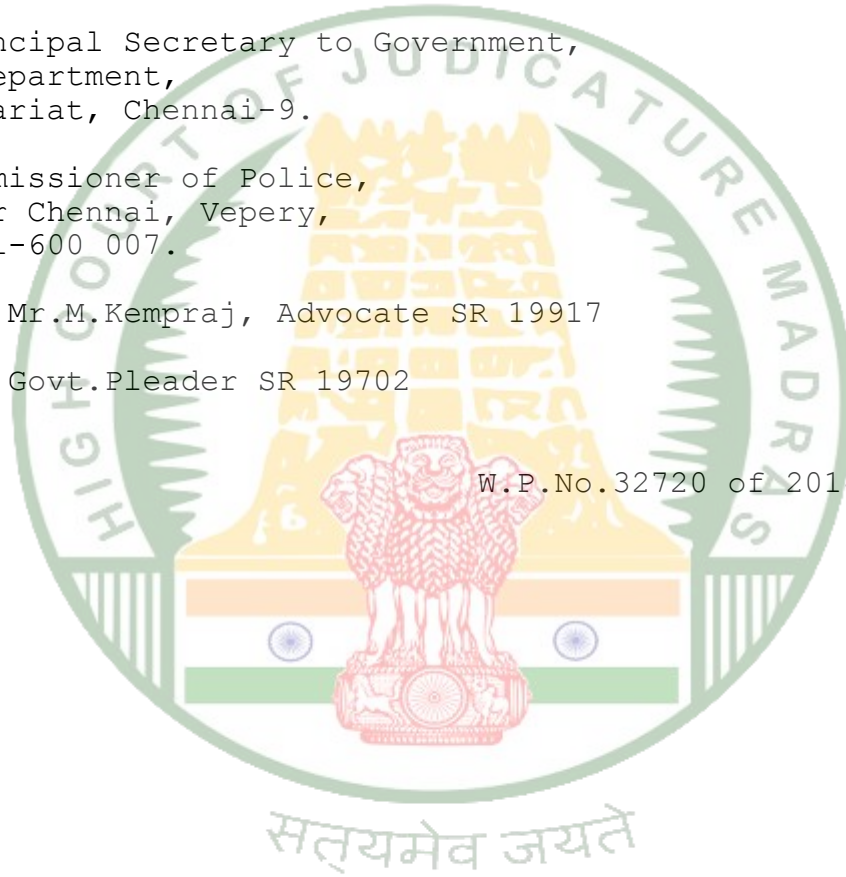
2. The Commissioner of Police,
Greater Chennai, Vepery,
Chennai-600 007.

+ 1 cc to Mr. M. Kempuraj, Advocate SR 19917

+ 1 cc to Govt. Pleader SR 19702

sks (co)
prk27/4

W.P.No.32720 of 2014



WEB COPY