

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2016

CORAM

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

W.P.No.27961/2010 & MP No.1/2010

A.Victor

..Petitioner

..Vs..

1.The Tahsildar,Tiruppur
Tiruppur District.

2.The Superintendent of Police,
Tiruppur District.

3.The Additional District Magistrate/
District Revenue Officer,
Coimbatore District.

4.The Principal Secretary/
Commissioner of Revenue Administration,
Ezhilagam,Chennai-600 005.

...Respondents

Prayer: : Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records culminating in Letter RA.5(2)/21572/2008 A.A.No:24/08 dated.27.10.2010 on the file of the 4th respondent which is consequent to the order passed by the 3rd respondent in his proceedings in MO.MO.45214/2006/KE3 dated 22.02.2008 and quash the same and consequently direct the 3rd respondent to grant Arms License to possess a DBBL Gun.

For petitioner : Mr.S.Saravanan

For Respondents : Mr.P.Sanjay Gandhi
Addl. Government Pleader

ORDER

The prayer in the writ petition is for issuance of a Writ of Certiorarified Mandamus calling for the records culminating in Letter RA.5(2)/21572/2008 A.A.No:24/08 dated 27.10.2010 on the file of the 4th respondent which is consequent to the order passed by the 3rd respondent in his proceedings in MO.MO.45214/2006/KE3 dated 22.02.2008 and quash the same and

consequently direct the 3rd respondent to grant Arms License to possess a DBBL Gun.

2.The petitioner had approached the respondents 1 to 3 for getting Gun License for which he had also made an application to the License Issuing Authority by stating that he was in need of 12 Bore DBBL Gun to secure a post of Watch and Ward in a nationalised Bank.

3.Based on that application, the reports of the 1st and 2nd respondents were called for by the 3rd respondent, who is a License Issuing Authority and after having received the reports respectively from the respondents 1 and 2, the 3rd respondent, having considered the same and also after having enquired the petitioner personally, rejected the claim for issue of gun license by order dated 22.02.2008.

4.Against the order of the 3rd respondent, the petitioner filed an appeal on 18.03.2008 before the 4th respondent. The 4th respondent, considering the appeal filed by the petitioner and after having given an opportunity of personal hearing, on 09.08.2010 had rejected the appeal, confirming the order of the 3rd respondent, by order dated 27.10.2010. Challenging the said orders of 3rd and 4th respondents, the petitioner has come out with the present writ petition with the aforesaid prayer.

5.Heard both sides.

6.The learned counsel appearing for the petitioner would contend that the petitioner is an electrician, doing electrical work and out of the said job, he is not having good earning. However, he is doing some agriculture activities in 2 acres of land belong to him. That apart, for better prospects, he wanted to join as a security guard in a Nationalised bank and sought for a job in Brink's Arya India Private Limited. They wanted the petitioner to possess a valid gun license and a 12 bore BDDL weapon so that he may be considered for appointment to the post of Armed Guard.

7.The learned counsel for the petitioner further submits that only in that circumstances, the petitioner had approached the authorities, viz., the respondents herein, seeking gun license and without considering these merits, both the 3rd and 4th respondents rejected the claim of the petitioner. The learned counsel would further submit that Rule 14 of the Arms Rule, 1962, provides for gun license to be given to protect the crops from the wild animals. If a person wishes to apply for gun license under rule 14 of the Arms Act, he should specify the details of the land and cultivation requiring protection and the area within which the arms are required to be carried. When that is the position, the request of the petitioner for gun license

on the ground of protecting the crops that the petitioner is cultivating in his lands from the wild animals, has not been properly considered, and appreciated by the authorities and therefore, the impugned order is bad in law.

8. Learned counsel for the petitioner further submits that the recommendatory report sent by the 1st and 2nd respondents to the 3rd respondent have not been served on the petitioner and behind his back, the reports were obtained by the 3rd respondent and based on which, a decision was taken by the 3rd respondent and ultimately, passed the impugned order which is confirmed by the 4th respondent in the appeal. For all these reasons, the learned counsel would submit that the impugned orders are liable to be interfered with and the writ petition is to be allowed.

9. Mr. P. Sanjay Gandhi, learned Additional Government Pleader appearing for the respondents would submit, by relying upon the averments contained in the counter filed by the 2nd respondent, that rule 51(A) Arms Rule 1962 states that the applicant shall not suppress any factual information or furnish any false or wrong information in the application form. The learned Additional Government Pleader would further contend that the petitioner in column 7 of the application form has stated that his occupation is "business". He further submits that the petitioner wanted the Arms license to protect the crops from wild animals. At the same time, the petitioner has also claims that he wanted to have a job in a bank as a security guard for his better livelihood.

10. This Court considered the rival submissions made by respective learned counsel for parties.

11. In this regard, a letter given by one Brink's Arya India Private Limited having address at 3/85-C, Arun Nagar, Maruthamalai Road, Vadavalli, Coimbatore is being produced as the document to satisfy the claim of the petitioner that his job is ready for him as they want a valid gun license with a weapon for consideration of the appointment. If the said letter of the said company is perused, obviously, there is no date in that letter and the petitioner is not in a position to explain what type of business the company is doing. Moreover, the case of the petitioner is that he wants the gun license to obtain a job. Further, the petitioner has produced this certificate issued by a Private Limited Company without even mentioning of the date and the same cannot be taken into account as an authoritative document, to consider the claim of the petitioner.

12. Moreover, there is no averments from the petitioner as to what type of crop he is cultivating in his lands and what kind of wild animals that are endangering the crops, are not mentioned.

13. When a person applies for a gun license, the specific purpose for which he seeks a gun license has to be mentioned. As has been averred by the respondents in the counter affidavit, for each purpose, the form of application is different. For instance for personal security purpose it is a different form, and for protection of crop or cattle from wild animals, a different application form is available and in the instant case, the petitioner on the one side, claims a gun license for protecting crops from wild animals and on the other side, he claims the said license for want of job as a Security Guard in a bank.

14. Therefore, a report to that effect was called for by the 3rd respondent from the 2nd and 1st respondents and the said reports have been duly considered by the 3rd respondent and ultimately the order rejecting the petitioner's request was passed by the 3rd respondent and even in the appeal before the 4th respondent, the petitioner was given an opportunity of being heard and only on satisfying that the petitioner has not made out any reasonable case for convincing the authorities to issue a gun license, the request of the petitioner was rejected.

15. In view of the said procedures having been followed by the 3rd and 4th respondents, of course, after getting a report from the 1st and 2nd respondents, this Court feels that the impugned orders do not warrant interference as they are fully sustainable.

16. In that view of the matter, the impugned orders need not be interfered with and hence, the prayer sought for by the petitioner cannot be granted. Accordingly, the writ petition is dismissed. However, the petitioner is at liberty to make a fresh application to the respondents in future, in proper format as specified under the provisions of the Arms Act and Arms Rules. Upon receipt of such application in proper format, it is for the respondents to take a decision on the petitioner's application seeking for the gun license strictly in accordance with law. No costs. Consequently connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

kp

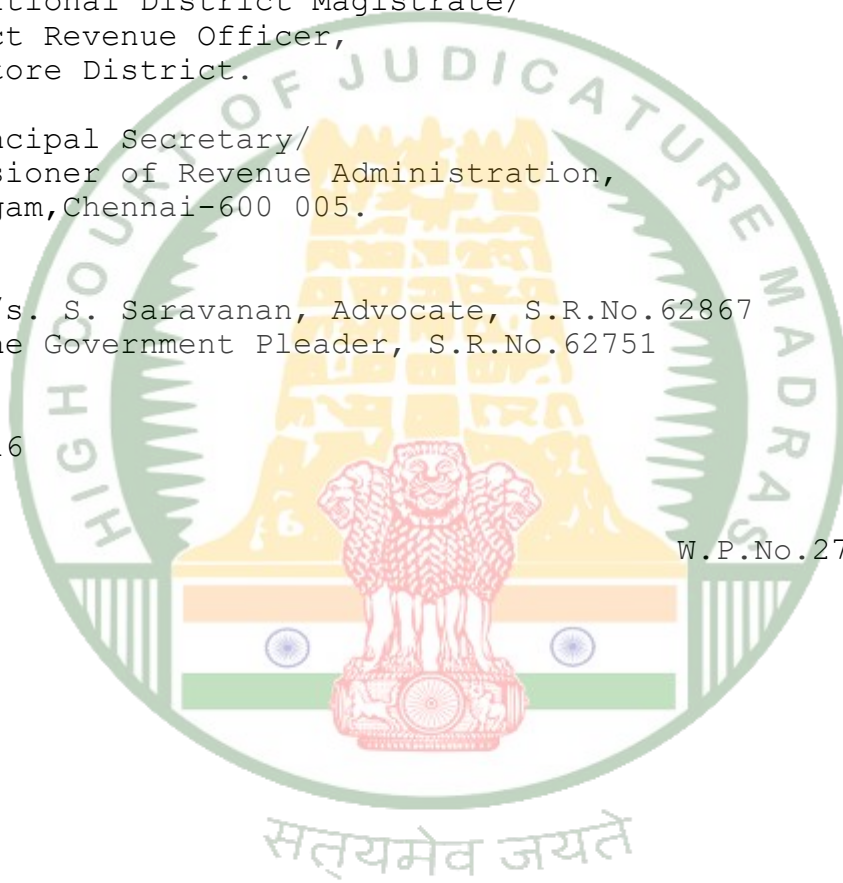
To

- 1.The Tahsildar,Tiruppur
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+1cc to M/s. S. Saravanan, Advocate, S.R.No.62867
+1cc to the Government Pleader, S.R.No.62751

NR1 (CO)
EU 15.12.16

W.P.No.27961 of 2010



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