

**THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO**

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**WRIT PETITION No.32447 of 2010**

**ORDER:**

Heard the learned counsel for petitioner and the learned Government Pleader for Home (TS) for respondents.

2. The petitioner, who is now aged about 75 years, was initially granted an arms licence in the year 1999. When the licence expired on 31.12.1998, he made an application for renewal on 09.01.2009 along with fee for delayed submission of the application. In spite of renewing the licence, a show cause notice was issued to the petitioner on 18.05.2009 for cancellation of his licence on the ground that his two sons were involved in Crime Nos.126/2006 and 245/2008 on the file of Mir Chowk Police Station, Hyderabad and also on the ground that he was aged about 70 years at that time. The petitioner submitted a detailed explanation, and in spite of the same, the licence was cancelled, by order of the second respondent dated 24.09.2009. Though the petitioner filed a review petition on 07.10.2009, he was advised to file an appeal. Accordingly, the petitioner filed an appeal before the first respondent on 02.12.2009 along with documents to prove that his sons are not residing with him. But, the first respondent, by his order dated 03.08.2010, confirmed the order of the second respondent without adverting to the grounds raised or the explanation submitted by the petitioner. Challenging the orders of respondents 1 and 2, the present writ petition is filed.

3. A perusal of the show cause notice of the third respondent dated 18.05.2009 and the order passed by the second respondent dated 24.09.2009 shows that the explanation of the petitioner was not considered at all, though it was mentioned in the reference order. The order passed by the second respondent is a replica of the order of show cause notice. The first respondent, in appeal, also passed an identical order without applying his mind to the facts of the case.

4. In the circumstances, this Court is constrained to set aside the order of the first respondent dated 03.08.2010 and remanding the matter to the first respondent for consideration of the appeal of the petitioner afresh in accordance with law, hearing him, if necessary, and pass a reasoned order within a period of three months from the date of receipt of a copy of this order.

5. The writ petition is, accordingly, allowed. No order as to costs. Miscellaneous petitions, if any pending, shall stand closed.

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**A.RAMALINGESWARA RAO, J**

Date: 21.03.2016

TJMR