

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.38678 OF 2016

ORDER:

The writ petition is filed by the petitioner seeking to declare the proceedings, dated 27.03.2014 issued by the second respondent as illegal and arbitrary, and set aside the same, and consequently direct the respondents to re-consider the case of the petitioner ignoring the pendency of the criminal cases against the brother of the petitioner.

Heard and perused the material.

The case in brief is that the petitioner was granted Arms Licence in the year 1991. The licence was being renewed from time to time until 31.12.2011. The petitioner submitted an application for renewal of licence. Pending the said application, the petitioner was given a show cause notice, 26.05.2011, by the third respondent proposing to cancel the licence on the ground that his elder brother is involved in eight criminal cases and he confessed that he has used the gun belonging to the petitioner in civil disputes. The petitioner submitted his explanation on 02.07.2011. Thereafter, the second respondent cancelled his licence, vide order, dated 19.07.2012. Challenging the same, the petitioner filed W.P.No.24956 of 2012, since the said order is violative of principles of natural justice. This Court allowed the said writ petition setting aside the order dated, 19.07.2012 of the second respondent by observing that the licence was cancelled not because of the petitioner's involvement in any crime or unsocial activities, but because of the alleged involvement of the of his brother in certain criminal cases, and directed the second respondent to give show cause notice to the petitioner. Thereafter, the petitioner submitted another representation to the second respondent to renew his arms licence, in view of the orders of this Court. The second

respondent passed the impugned order, dated 27.03.2014, rejecting the request of the petitioner.

Learned Assistant Government Pleader for Home submitted that if there is any refusal by the second respondent to renew the Arms Licence of the petitioner, he can avail the remedy before the Principal Secretary, Home Department, first respondent.

Considering the rival contentions, the writ petition is disposed of with the following directions.

The petitioner is directed to prefer an appeal before the first respondent on or before 05.01.2017. On such appeal being filed, the first respondent is directed to dispose of the same within three months from the date of filing of the appeal keeping in view the observations made by this Court in W.P.No.24956 of 2012, dated 03.06.2013.

No order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

10.11.2016
pln

JUSTICE RAJA ELANGO

