

THE HON'BLE SRI JUSTICE SANJAY KUMAR

-

WRIT PETITION No.6910 of 2016

ORDER:

Challenge in this writ petition is to the Memo dated 14.12.2015 passed by the Government of Telangana through its Home (Arms) Department, whereby the petitioner's appeal was rejected. The said appeal was preferred against the rejection of the petitioner's request for grant of an arms licence.

Sri Srinivas Bodduluri, learned counsel for the petitioner, would contend that the petitioner was not given an opportunity of hearing and though he was represented by counsel, no notice was given to either of them before dismissal of the appeal. Significantly, section 18(5) proviso of the Arms Act, 1959, requires the appellate authority to give a reasonable opportunity of being heard to the appellant.

Perusal of the appellate order under the impugned Memo demonstrates that no opportunity of hearing was given to either the petitioner or his counsel. This is in clear violation of the statutory mandate.

On this short ground, the impugned Memo dated 14.12.2015 is set aside and the matter is remitted to the file of the appellate authority for hearing of the appeal afresh in accordance with law. This exercise shall be completed expeditiously and in any event, not later than six weeks from the date of receipt of a copy of this order.

The writ petition is allowed to the extent indicated above.

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

_____**JUSTICE SANJAY KUMAR**

Date:03.03.2016

GJ