

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.40897 of 2015

ORDER:

-

The grievance of the petitioners was that the District Collector, Kurnool District, the second respondent, was not renewing their arms licences. It is their case that they submitted applications for renewal on 23.12.2013 and 15.12.2014 respectively but no action was taken thereupon to renew their licences. They therefore seek a direction to the authorities to renew their licences for a further period of three years from the date of expiry of the existing licences.

Section 15(3) of the Arms Act, 1959, deals with renewal of an arms licence. It states to the effect that the licensing authority, being the District Collector concerned, shall renew an existing arms licence for the period for which it was originally granted in the normal course. However, in the event, the licensing authority decides in any case that such a licence is not to be renewed, it necessarily has to record reasons therefor in writing. Needless to state, such reasons would also have to be communicated to the affected licensee.

In the light of the afore-stated statutory regime, it is not for this Court to consider the desirability of renewal of the petitioners' licences in the first instance. The licensing authority would necessarily have to apply its mind to the issue in accordance with rules and take an appropriate decision in the matter. When the petitioners submitted their applications as long back as in the years 2013 and 2014 and their licences were to expire in December, 2013 and December, 2014 respectively, it is not expected that the licensing authority would keep the matter pending for such a long period of time.

The writ petition is accordingly disposed of directing the District Collector, Kurnool District, to consider the petitioners' applications dated 23.12.2013 and 15.12.2014 for renewal of their arms licences in accordance with the rules and upon the report submitted by the Superintendent of Police, Kurnool District, within four weeks from the

date of receipt of a copy of this order and take appropriate action thereon. Needless to state, in the event the District Collector, Kurnool District, chooses to reject the petitioners' request for renewal of their arms licences, he has to record reasons therefor and communicate the same to the petitioners.

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

JUSTICE SANJAY KUMAR

1st February, 2016

IBL