

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.38602 of 2016

ORDER:

The present writ petition is filed by the petitioner seeking to declare the proceedings, dated 27.03.2014 issued by the 2nd 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 criminal cases against the brother of the petitioner.

Heard and perused the material available on record.

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 on 08.12.2011 for renewal of the licence. Pending the said application, the petitioner was given a show cause notice, dated 26.05.2011, by the 3rd 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 2nd respondent cancelled his licence vide order, dated 19.07.2012. Challenging the same, the petitioner filed WP No.24953 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 2nd 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 his brother in certain criminal cases, and directed the 2nd respondent to give show cause notice to the petitioner. Thereafter, the petitioner submitted

another representation, dated 16.09.2013, to the 2nd respondent to renew his arms licence, in view of the orders of this Court. The 2nd 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 2nd respondent to renew the Arms Licence of the petitioner, he can avail the remedy before the Principal Secretary, Home Department – 1st 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 1st respondent on or before 30.11.2016. On such appeal being filed, the 1st respondent is directed to dispose of the same, within three (3) months from the date of receipt of the said application, keeping in view the observations made by this Court in WP No.24953 of 2012, dated 30.06.2013.

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

RAJA ELANGO, J

November 09, 2016.
KTL

