

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 30.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM**AND****THE HONOURABLE MR.JUSTICE P.VELMURUGAN****W.A. [MD] .No.883 of 2017****and****C.M.P (MD) No.5887 of 2017**

WEB COPY

1. The Special Commissioner and
Commissioner of Revenue Administration,
Revenue Administration,
Disaster Management and Mitigation Department,
Ezhilagam, Chennai-5.
 2. The Additional District Magistrate and
The District Revenue Officer,
Dindigul District, Dindigul. : Appellants/Respondents
- Vs.
- P.S.Prabakaran : Respondent/Petitioner

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent to against the order dated 14.03.2016 made in W.P. (MD) .No.5372 of 2008.

Prayer in WP(MD) . 5372/ 2008 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandmaus, calling for the records of the 1st respondents order dated 12/04/2007 in Rc.No.R.A.5(1)/19624/2006:A.A.NO. 028/2006 and quash the same and consequently direct the respondents to grant gun license to the petitioner to hold one SBBL Gun.

For Appellants : Mr.V.R.Shanmuganathan,
Special Government Pleader.
For Respondent : Mr.N.Dilip Kumar

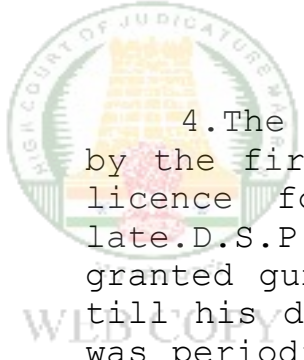
JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

Heard Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the appellants and Mr.N.Dilip Kumar, learned counsel appearing for the respondent.

2.By consent, the Writ Appeal is taken up for final disposal.

3.This Writ appeal is directed as against the order dated 14.03.2016 made in W.P. (MD) .No.5372 of 2008.



4.The respondent/writ petitioner challenged the order passed by the first appellant rejecting his application for granting gun licence for the weapon, which he inherited from his father late.D.S.P.Sounthra Pandian Nadar. The respondent's father was granted gun licence for the very same weapon in the year 1953 and till his demise, he has possession of the weapon and the licence was periodically renewed and he surrendered the weapon and applied for licence. Further we note that there were no adverse remarks as against the respondent's father during his lifetime, when he had been granted gun licence as early as in the year 1953. Therefore, on presumptions, the authority cannot refuse to grant gun licence.

5.The learned counsel for the respondent brought to our notice that in the area there is frequent attack on the people by wild elephants and for self-protection, the respondent has applied for gun licence. The Superintendent Police of the concerned area of the District opined that there is likelihood that the weapon may be used for hunting.

6.Considering the said report, the second appellant rejected the application and on appeal first respondent confirmed the same vide order dated 12.04.2007. It was challenged by the respondent by filing a writ petition in the year 2008. In the said Writ Petition, no counter affidavit has been filed. The said writ petition, which was pending for eight long years, was heard by this Court and the same, was allowed by the impugned order.

7.On a perusal of the reasons assigned by the Writ Court, we are of the view that the same are perfectly in order as the Writ Court has taken into consideration, the fact that the father of the respondent/writ petitioner was granted licence for a similar purpose and pursuant to the same, he has purchased and possessed the weapon till the lifetime and he has applied to the respondents therein and the application could not have been rejected on the grounds mentioned in the order.

8.After hearing the learned Special Government Pleader appearing for the appellant as well as the learned counsel appearing for the respondent/caveator, we find that no good grounds are made out to interfere with the impugned order.

9.With the above observations, this Writ Appeal is dismissed. The order in W.P(MD)No.5372 of 2008, dated 14.03.2016 is confirmed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

/True Copy/



To

1. The Special Commissioner and
Commissioner of Revenue Administration,
Revenue Administration,
Disaster Management and Mitigation Department,
Ezhilagam, Chennai-5.

2. The Additional District Magistrate and
The District Revenue Officer,
Dindigul District, Dindigul.

+1cc to M/S. N.DILIP KUMAR, Advocate, SR.No.62905.

+1cc to Special Government Pleader, SR.No.63154.

JUDGMENT MADE IN
W.A. [MD] .No.883 of 2017
and
C.M.P (MD) No.5887 of 2017
30.06.2017

Myr/ia

SDS/KK/SAR 2/22.08.2017/3P/5C