



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.01.2017

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.12765 of 2011

P.Bose

... Petitioner

Vs.

1. The Principal Secretary/
Commissioner for Revenue Administration,
Ezhilagam, Chennai - 5.
2. The District Collector/District Magistrate,
Tuticorin District,
Tuticorin.
3. The Superintendent of Police,
Tuticorin District,
Tuticorin.

... Respondents

Prayer: The Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus or such other order or direction in the nature of writ by calling for the records of the 2nd Respondent in Mu.Mu.(C3) 50090/08 dated 26.11.2008 and the consequential order passed by the 1st Respondent in RA 5(1)/93113/2008 A.A.No.144/2008 dated 20.01.2011 quash the same and consequently direct the Respondents to issue Revolver License.

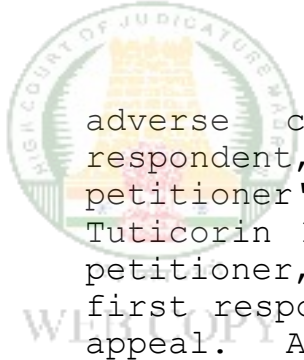
For Petitioner : Mr.V.Karthikeyan

For Respondents : Mr.Janarthanan
Additional Government Pleader for R1 to R3

ORDER

This Writ Petition has been filed to call for the records of the second respondent in Mu.Mu.(C3).50090/2008 dated 26.11.2008 and the consequential order passed by the first respondent in RA.5(1)/93113/2008 A.A.No.144/08, dated 20.01.2011 and quash the same and consequently, direct the respondents to issue Revolver License.

2. The petitioner had made an application for Revolver License on 10.06.2008. Supporting his application, the Inspector of Police, Kalugumalai Police Station, had certified that there was no



adverse cases against the petitioner. However, the second respondent, by an order, dated 26.11.2008, had rejected the petitioner's application stating that the Superintendent of Police, Tuticorin District, Tuticorin, did not recommend the case of the petitioner, since there were some adverse remarks against him. The first respondent had also confirmed the order on the same ground on appeal. Aggrieved against the same, the petitioner has filed the present Writ Petition.

3. I have heard the learned counsels appearing on either side.

4. The learned counsel appearing for the petitioner submitted that both the second respondent as well as first respondent had rejected his application only on the ground that there were some adverse remarks against him, as pointed out by the Superintendent of Police, Tuticorin District. However, the details of adverse remarks were not revealed to the petitioner, particularly, in the background that the Inspector of Police, Kalugumalai Police Station as well as Revenue Divisional Officer had recommended the case of the petitioner for the grant of Revolver License.

5. The learned Additional Government Pleader, on the other hand, submitted that the Superintendent of Police, Tuticorin by his letter dated 22.09.2008 reiterated that he did not recommend for grant of licence to the petitioner, in view of his involvement in law and order issues and that the applicant has come into adverse remarks.

6. Countering the submission made by the learned counsel for the respondents, the learned counsel for the petitioner submitted that he was not furnished with any adverse remarks of the Police authorities and that the conduct of the respondents in not furnishing the details as to how he was in adverse notice, amounts to denial of a reasonable opportunity for him to put forth his case. As pointed out by the Inspector of Police, there is no criminal case pending against the petitioner in his jurisdiction. Likewise, the Revenue Divisional Officer has also recommended for the issuance of a license in favour of the petitioner.

7. In these circumstances, it would be appropriate to direct the second respondent to re-consider the petitioner's case after furnishing him details about the circumstances under which he had come to the adverse notice of the Superintendent of Police, Tuticorin.

8. In view of the same, the impugned order passed by the second respondent, dated 26.11.2008 as confirmed by the order passed by the first respondent in the order, dated 20.01.2011, are quashed. A direction is issued to the second respondent for consideration on the petitioner's application afresh within a period of two weeks from the date of receipt of a copy of this order. While passing such order due opportunity is to be given to the petitioner after



furnishing him the details with regard to the adverse remarks made by the Superintendent of Police, Tuticorin.

9. With the above direction, the Writ Petition stands allowed.
No costs.

WEB COPY

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary/
Commissioner for Revenue Administration,
Ezhilagam, Chennai - 5.
2. The District Collector/District Magistrate,
Tuticorin District,
Tuticorin.
3. The Superintendent of Police,
Tuticorin District,
Tuticorin.

+ 1 CC TO Mr.V.PERUMAL, ADVOCATE IN SR No. 4688
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 4722

TRP

TE/SV-MMS : 20/04/2017 : 3P/6C

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