

HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.2918 OF 2013

ORDER:

Heard Mr.V.Roopesh Kumar Reddy for petitioner and the Assistant Government Pleader (Home) for respondents 1 and 2.

The petitioner prays for the following relief:

...this Hon'ble Court may be pleased to issue an order, writ or direction more particularly in the nature of Writ of Mandamus, declaring the proceedings in G.O.Rt.No.18, dated 02.01.2013 of the 1st respondent by rejecting the appeal and where under he confirmed the orders of the 2nd respondent in L.No.316/ Bowenpally, dated 21.05.2012, who cancelled the Arms licence granted in favour of the petitioner as illegal, arbitrary and in violation of Article 14 and 21 of the Constitution of India and for a consequential direction to restore the petitioner Arms License No.: 316 /Bowenpally (25/Home/2009) and pass such....."

It is the case of petitioner he is a film director. There are disputes between petitioner and one Abhinav Reddy in connection with production of a film. Abhinav Reddy took the assistance of a gangster by name Aziz Reddy for settling the dispute between petitioner and Abhinav Reddy. Aziz Reddy and his associates threatened the petitioner and his staff over phone for which the petitioner has lodged a complaint against Aziz Reddy and Abhinav Reddy. The said complaint was registered as Cr.No.512 of 2008 of Jubilee Hills Police Station. Owing to the threats from Aziz Reddy and his gang, the Government had allotted two gunmen to the petitioner for providing protection. Later, after two months, the Government had withdrawn gunmen and issued gun licence to petitioner vide

No.25/Home/2009 dated 23.06.2009 and since then, the petitioner is holding the licence and it was renewed from time to time.

While the matters stood thus, One Mr.Vasantha Kumar Goud and four others, including petitioner, were partners in making of the movie "Angrez II". There arose some disputes between the partners of the movie. In that connection, Mr.Vasantha Kumar Goud filed complaint against petitioner in Narayanaguda Police Station stating that the petitioner took out his revolver and threatened him with dire consequences if he demanded repayment of amounts in future. The police registered a case in Cr.No.417 of 2011 against the petitioner.

It is the further case of petitioner that Deputy Commissioner of Police, North Zone, Secunderabad issued show cause notice dated 25.04.2012 as to why the arms licence of petitioner be not cancelled. The petitioner submitted explanation to the show cause notice on 02.05.2012. The 2nd respondent by order dated 21.05.2012 cancelled the arms licence of the petitioner. Aggrieved, the petitioner preferred appeal before the 1st respondent, who by G.O.Rt.N.18 Home (Arms) Department dated 02.01.2013 rejected the appeal filed by the petitioner. Hence, the writ petition.

The 2nd respondent-Commissioner of Police, Hyderabad City filed counter affidavit and contends the petitioner's licence was cancelled after receiving two reports from Bowenpally and Narayanaguda Police Stations for involvement of petitioner in the above crime by misusing his arms licence. It is stated that on being dissatisfied with the explanation of the petitioner to the show cause

notice, this respondent had cancelled the arms licence of petitioner. It is further stated that there is no threat to the petitioner from any corner and restoration of arms licence is not justified and proper. The 3rd respondent justifies cancellation of arms licence of petitioner. He prays for dismissing the writ petition.

Having regard to the facts and circumstances of the case, this Court is of the view that no exception to the reasons shown in the order impugned in the writ petition is made out and this Court cannot sit as a Court of appeal and examine the matter on merits afresh. Though an attempt by petitioner is made for remanding the matter, this Court is not persuaded to direct to the respondents to undertake the very same exercise and give its opinion afresh.

For the above reasons, writ petition is, accordingly, dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending stand closed.

S.V.BHATT, J

21st November, 2017

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