

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.PARTHIBAN

W.P.No.13284 of 2011 &
M.P.No.2 of 2011

S.A.Abuthahir

... Petitioner

Vs

1. Additional District Magistrate/
District Revenue Officer,
Erode.
 2. Principle Secretary/
Commissioner of Revenue Administration,
Revenue Administration,
Disaster Management & Mitigation Department,
Ezhilagam, Chennai-600 005.
- ... Respondents

PRAYER :

Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, to call for the records relating to the order passed by the 2nd respondent dated 24.11.2010 RA 5(2)/44205/2007/A.A.No.68/08 confirming the order passed by the 1st respondent dated 20.10.2007 in his Na.Ka.No.57907/2007/C3, quash the same and direct the respondents to issue S.B.B.L. Gun License to the petitioner.

For Petitioner : Mr.A.S.Mujibur Rahman

For Respondents : Mr.J.Pothiraj
Spl. Govt. Pleader

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O R D E R

The petitioner has approached this Court, seeking the following relief:

"To issue a writ of Certiorarified
Mandamus, to call for the records relating
to the order passed by the 2nd respondent
dated 24.11.2010 RA 5(2) /

44205/2007/A.A.No.68/08 confirming the order passed by the 1st respondent dated 20.10.2007 in his Na.Ka.No.57907/2007/C3, quash the same and direct the respondents to issue S.B.B.L. Gun License to the petitioner.

2. The petitioner is carrying on Wooden Furniture Mart under the name and style "Alfa Agencies" and also a Foot Wear Shop under the name and style "Real Walk" at Erode. He is also a life time member of Rifle Club, Erode District. According to the petitioner, for the purpose of his self-defence and also for participating in the rifle competition, he applied for licence with first respondent on 22.5.2007. The first respondent in response to the application for gun licence, has called for a report from the subordinate officers, namely, Tahsildar and Superintendent of Police, Erode District. It appears that by proceedings dated 26.2.2007, the Tahsildar recommended for the issue of S.B.B.L. gun licence to the petitioner. However, the Superintendent of Police, Erode, has not recommended the issue of gun licence on the basis that no adverse note has been entered into the police register and therefore, there was no threat to his life.

3. While so, first respondent on 31.8.2007 after hearing application filed by the petitioner, by proceedings dated 20.10.2007 rejected the application on the ground that the Superintendent of Police has not recommended for the issue of gun licence. Thereafter, an appeal was preferred before second respondent under Section 18(1) of the Arms Act and the appeal was also rejected on the ground that the petitioner was in possession of gun licence for his protection and was having a gun. The rejection by the respondents is put to challenge in the present Writ Petition.

4. Learned counsel appearing for the petitioner would submit that the rejection of the application for issuance of gun licence as required by the petitioner on the grounds stated by first and second respondents are mis-conceived and cannot be sustained in law. According to the learned counsel, there is no bar in securing second gun licence for the purpose of participating in the rifle competition and also for the purpose of his self-defence. The reason that the petitioner had not come under any adverse report in the police register, cannot be the basis for rejection of his request for issuance of gun licence. Therefore, the rejection of the request of the petitioner by the respondents suffers from non-application of mind and required to be interfered with.

5. Upon notice, Mr.J.Pothiraj, learned Special Government Pleader entered appearance for respondents and filed a counter

affidavit. He would submit that there was absolutely no requirement and necessity for the petitioner to be issued with second gun licence since admittedly he was already having one for his protection. As per the counter affidavit, it is always open to the petitioner to utilize his licenced revolver and the weapons available with the rifle club for shooting practice and competition in the rifle club. If the request of the petitioner is to be considered for additional gun licence, then several other claims would be projected and it will ultimately lead to proliferation of weapons which is not good for the security of the State. Moreover, it is stated in the counter affidavit, the petitioner has not produced any evidence for his active participation in the rifle club competition. Therefore, considering all the relevant factors, the respondents have decided to reject the claim of the petitioner. Hence, the impugned proceedings of the respondents, do not call for interference.

6.This Court has considered the rival submissions of the learned counsels and find considerable force in the contention put forth on behalf of the respondents. In the facts, narrated above, this Court does not see any justification for the petitioner to seek for second gun licence in the name of participation in the rifle shooting competition or for his self-defence. Admittedly, as the petitioner has already been in possession of a gun licence, this Court does not see necessity for seeking additional weapon by the petitioner. the authorities have correctly appreciated the circumstances which led to the the claim of the petitioner for grant of second gun licence and rejected the same on valid grounds. As rightly stated in the counter affidavit, such licence for grant of additional weapon would only lead to proliferation of weapons in the State and that is not good for security of the State. This Court does not see any infirmity in the rejection order passed by the respondents.

7.For the foregoing reasons, the Writ Petition is dismissed as devoid of merits. No costs. Consequently, connected MP is closed.

Sd/-
Assistant Registrar(CCC)

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Sub Assistant Registrar

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To

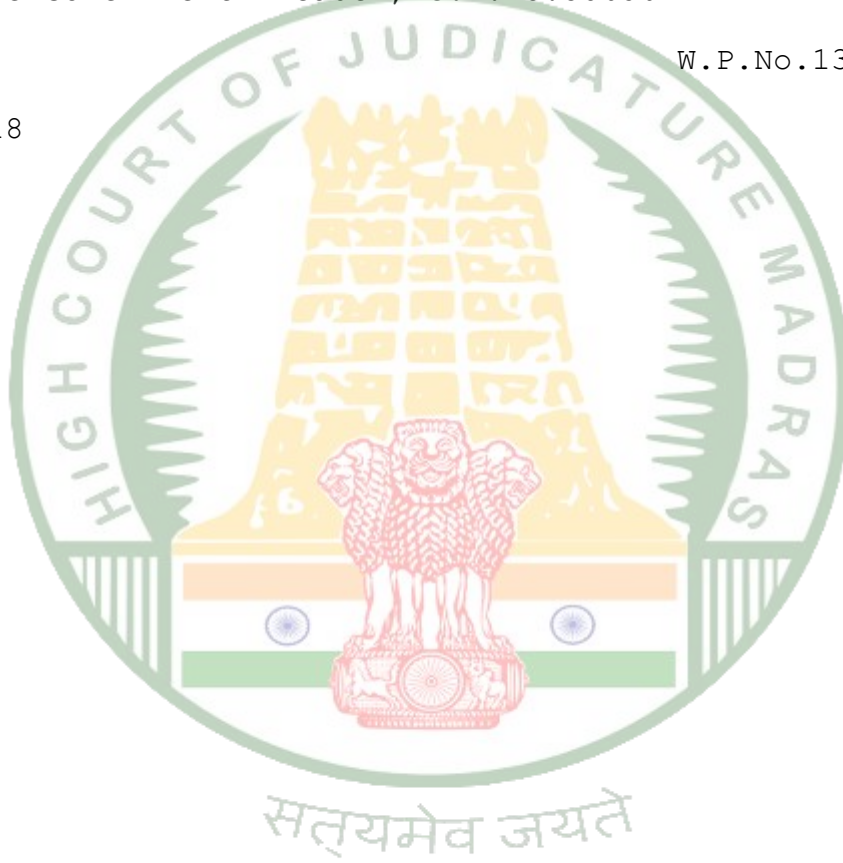
1. The Additional District Magistrate,
District Revenue Officer, Erode.
2. The Principal Secretary,
Commissioner of Revenue Administration,
Revenue Administration,
Disaster Management & Mitigation Department,
Ezhilagam, Chennai-5.

+1cc to Mr.K.Sivakumar, Advocate, S.R.No.38218

+1cc to the Government Pleader, S.R.No.38656

W.P.No.13284 of 2011

CS/25/07/18



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