

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:10.07.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI
W.P.No.11083 of 2007
and M.P.Nos.1 & 2 of 2007

A.Sivalingam

...Petitioner

Vs.

- 1.The Special Commissioner and
Commissioner of Revenue Administration,
Ezhilagam, Chennai-600 005.
- 2.The District Magistrate & The Collector,
Collectorate,
Coimbatore District.
- 3.The Superintendent of Police,
Police Commissioner's Office,
Coimbatore-641 018. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records from the file of the 1st respondent made in D.Dis.RA.5(2)/73735/2004, A.A.158/2004 dated 09.04.2005 and quash the same and further direct the 3rd respondent to issue gun licence to the petitioner.

For Petitioner : Mr.Su.Srinivasan

For Respondents: Mr. K.Ravikumar

Additional Government Pleader.

O R D E R

The petitioner has filed this Writ Petition challenging the order of the first respondent dated 09.04.2005, wherein the request for grant of gun licence by the petitioner, was rejected.

2.The case of the petitioner is that the petitioner is a building contractor and he expects some life threat in and around his village. The petitioner is also the Joint Organizing Secretary of Bajrang Dal, the youth front of Vishwa Hindu Parishad. The petitioner has participated in the activities of Bajrang Dal in

Coimbatore and taking part in all the activities to strengthen the Bajrang Dal. Hence, the petitioner has filed an application for grant of gun licence before the second respondent, who in turn gathered report from the 3rd respondent and opined that since the petitioner is not the member of Rifle Club, he could not be granted with gun licence. Considering the report, the second respondent rejected the petitioner's application for grant of gun licence. Thereafter, the petitioner preferred an appeal before the first respondent, which was also rejected concurring the views expressed by the second respondent. Aggrieved by the same, the petitioner has filed the present Writ Petition.

3. Heard both sides.

4. The learned counsel for the petitioner would submit that the order passed by the Appellate Authority as against the order of third respondent after lapse of three years itself is inappropriate. However, he would further submit that it would suffice, if liberty is granted for the petitioner to approach the appropriate authority alongwith supporting documents for grant of gun licence.

5. The learned Additional Government Pleader drew the attention of this Court to the letter addressed by the District Magistrate and District Collector, Coimbatore in this regard. In the letter, it has been clearly stated that the petitioner can apply a fresh application to the Commissioner of Police, Coimbatore City under Arms Rule 2016.

6. In view of the limited prayer now sought for, this Court is inclined to permit the petitioner to submit a fresh application before the Commissioner of Police, Coimbatore City for grant of gun licence. On receipt of such application, the Commissioner of Police, Coimbatore City shall consider the same and pass orders on merits and in accordance with law.

7. The writ petition stands disposed of on the above terms. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

rm

To

1.The Special Commissioner and
Commissioner of Revenue Administration,
Ezhilagam, Chennai-600 005.

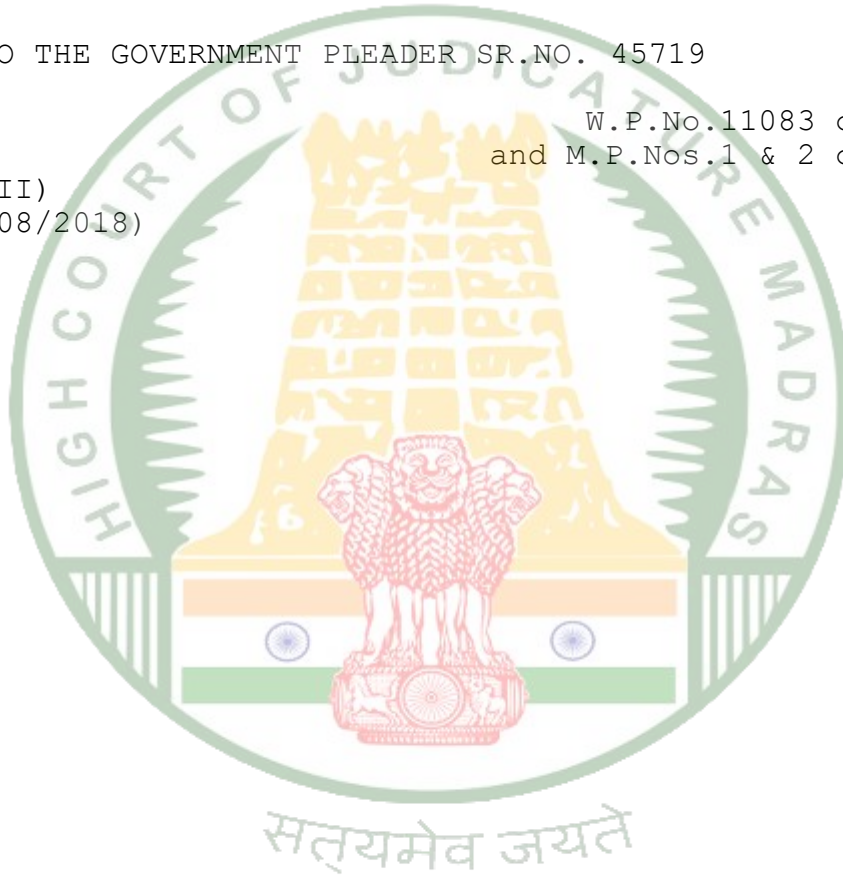
2.The District Magistrate & The Collector,
Collectorate,
Coimbatore District.

3.The Superintendent of Police,
Police Commissioner's Office,
Coimbatore-641 018.

+1 CC TO THE GOVERNMENT PLEADER SR.NO. 45719

W.P.No.11083 of 2007
and M.P.Nos.1 & 2 of 2007

AR(CS-VII)
ASK(09/08/2018)



WEB COPY