

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.04.2018

C O R A M

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.17898 of 2014

and

M.P.No. 1 of 2014

R.Raja Gounder

...Petitioner

Vs.

1.The Commissioner
Revenue Administration
Disaster Management and Mitigation Department
Ezhilagam, Chennai - 600 005.

2.The District Collector/District Magistrate
Salem.

3.The Revenue Divisional Officer
Salem.

4.The Tahsildar, Salem.

5.The Superintendent of Police
Salem.

.... Respondents

Prayer Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, to call for the records, quash the order passed in R.A.No.5(2)41940/2010 dated 30.05.2014 by the 1st respondent, confirming the order in MM 23271/2009(C1) dated 7.4.2010 passed by the 2nd respondent and further direct the 2nd respondent to grant pistol license to the petitioner.

For Petitioner : Mr.A.Thiagarajar

For Respondents : Mrs.A.Sri Jayanthi
Special Government Pleader

O R D E R

The order passed in proceedings R.A.No.5(2)41940/2010 dated 30.05.2014 by the first respondent confirming the order in MM 23271/2009(C1) dated 7.4.2010 passed by the second respondent, direct the 2nd respondent to grant pistol license to the petitioner and further, the proceedings of the District

Collector /Magistrate, Salem, dated 07.04.2010 are under challenge in this writ petition.

2.The learned counsel appearing on behalf of the writ petitioner states that the petitioner is in possession of the SBBL weapon with the license No.S53/1195 for the past 36 years. The said license was granted in the year 1974 and thereafter, the same was renewed periodically. By proceedings in M.M.No.53985/2008 dated 29.12.2008, the District Revenue Officer, Salem was pleased to renew the license for the above weapon till 31.12.2011. Again by proceedings in M.M.No.47601/2011(C4) dated 29.06.2013 and the same was renewed for another period of 3 years and the said license is valid up to 31.12.2014.

3.The petitioner claims that he is doing saw mill business for the past 25 years and for the purpose of self-defense he made an application seeking license for a pistol. The second respondent/district Collector rejected the application in proceedings dated 07.04.2010 on the ground that the petitioner was in the business of purchasing and selling of cows in the state of Karnataka, Kerala and Andhra and already he is in possession of a license for SBBL weapon.

4.It is stated by the District Collector that the writ petitioner is a man of emotional character and prone to sudden provocation. Therefore, it is not advisable to grant pistol license to the writ petitioner. The writ petitioner preferred an appeal to the first respondent, who in turn passed an order in proceedings dated 31.12.2014 confirming the order passed by the District Collector. The first respondent had provided a personal hearing for the petitioner. In view of the fact that no fresh ground were raised for the purpose of considering the appeal and the first respondent even after the personal appearance of the writ petitioner was not convinced with the grounds raised in the appeal, rejected the claim of the writ petitioner for grant of pistol license.

5.This court is of an opinion that the writ petitioner is a business man running a business of purchasing and selling of cows, for this purpose no pistol license may be required. Further, no extraordinary circumstances or threat were established before the competent authorities for the purpose of grant of license.

6.The learned counsel for the writ petitioner made a submission that the Inspector of Police concerned and the Tahsildar recommended for grant of pistol license in a routine manner. This court is of an opinion that the authorities including the Inspector and Tahsildar cannot make recommendation for grant of pistol license in a routine manner. They are bound

to ascertain the circumstances and the character and the antecedents of a person before recommending such application for grant of pistol license. Verification of character, nature of business and involvement of threat are to be verified and a proper findings are to be recorded in writing by the Inspector or the Tahsildar, who are recommending the cases for grant of pistol license. If any routine recommendations are forwarded to the District Collector, then the District Collector is bound to initiate appropriate action against the Inspector or Tahsildar for recommending such cases without any basis. The Inspector or Tahsildar cannot recommend for issuance of pistol license in a routine manner.

7. In the absence of any reasoning by the authorities the higher authorities are bound to initiate appropriate action against such officials under the Discipline and Appeal Rules. In order to prevent erroneous exercise of power the higher officials have to issue suitable instructions to the subordinate officials. It is not as if an Inspector or a Tahsildar can recommend an application for the purpose of grant of pistol license in a routine manner. Many people may have an emotional character and their character and antecedent and all other aspects are to be properly verified and reasons are to be recorded in writing for the purpose of recommending the cases. This being the principles to be followed, this court do not find any infirmity in respect of the order of rejection for grant of pistol license to the writ petitioner.

8. Accordingly, the writ petition is devoid of merits and stands dismissed. Consequently, connected miscellaneous petition is closed. However, there is no order as to costs.

s/d-

Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

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To

1. The Commissioner
Revenue Administration
Disaster Management and Mitigation Department
Ezhilagam, Chennai - 600 005.

2. The District Collector/District Magistrate, Salem.

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3.The Revenue Divisional Officer,Salem.

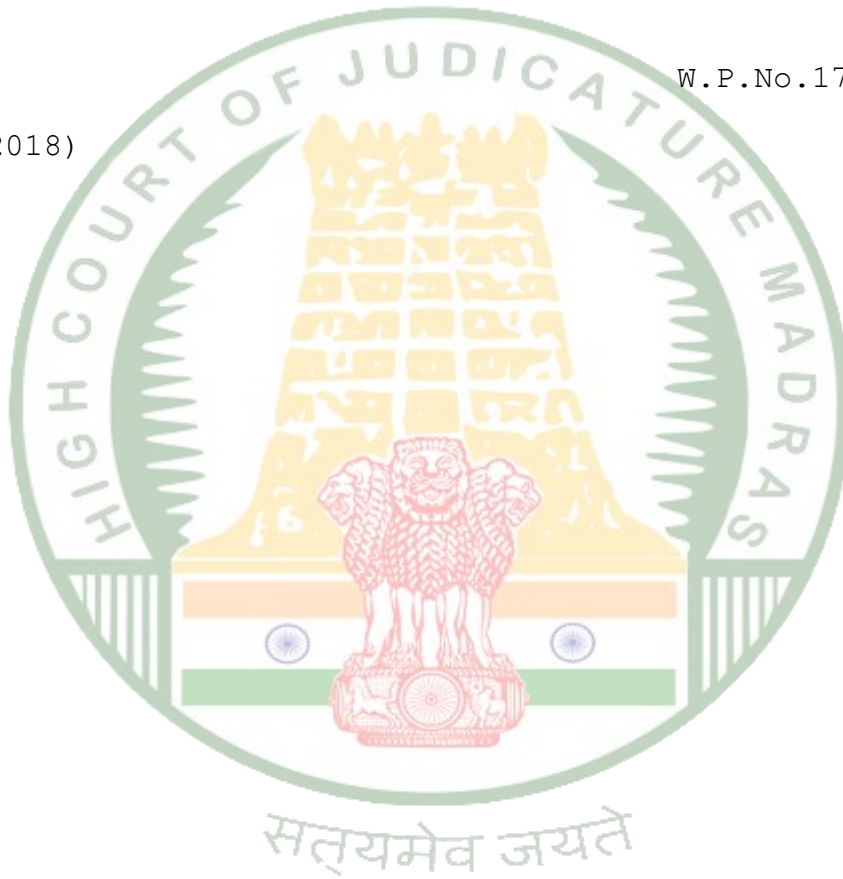
4.The Tahsildar, Salem.

5.The Superintendent of Police, Salem.

+1 CC to Govt. Pleader sr 29999.

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SP(15/05/2018)



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