

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31-10-2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.499 of 2014

K.Suresh Kumar

.. Petitioner

..Vs..

1.The District Collector,
Coimbatore District,
Coimbatore.

2.The District Revenue Officer,
Additional District Magistrate,
Coimbatore District,
Coimbatore.

3.The Superintendent of Police,
Coimbatore District,
Coimbatore.

.. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent herein pertaining to his impugned order in Mu.Mu.No.2562/2008/02, dated 28.09.2013 and quash the same and consequently direct the 2nd respondent herein to renew the Gun License already issued to the petitioner in License No.2/2002/MTP, dated Nil.05.2002.

For Petitioner : Mr.Karthik Raja
for Mr.G.Karthikeyan

For Respondents : Mr.R.S.Selvam,
Government Advocate

O R D E R

The order dated 28.09.2013, issued by the 2nd respondent, declining the permission for grant of Gun License to the writ petitioner, is under challenge in this writ petition.

2.The learned counsel for the writ petitioner states that the writ petitioner is a landlord and right from his grand father's period, they are settled in Kammarampalayam Village at

Mettupalayam. The writ petitioner owns around 50 acres of land, which includes agricultural and farm lands.

3.The learned counsel for the writ petitioner states that the family of the writ petitioner is possessing Gun License for a long period on the ground that wild animals are frequently crossing their agricultural lands and in order to protect their lives, they are having the Gun License.

4.The learned counsel for the writ petitioner states that the writ petitioner made a representation to the first respondent for renewal of Gun License. However, the request made was rejected by the District Revenue Officer in proceedings dated 28.09.2013. Thus, the petitioner is constrained to move the present writ petition.

5.The learned Government Advocate, appearing on behalf of the respondents, states that the village in which the writ petitioner resides is thickly populated and the reasons stated for renewal of Gun License by the writ petitioner is neither candid nor convincing. The movement of wild animals are absorbed by the various departmental officials in that locality. Therefore, on this ground the Gun License cannot be renewed in favour of the writ petitioner.

6.This apart, a criminal case was registered against the writ petitioner by Karamadai Police Station in Crime No.60 of 2012 under Sections 406, 420 and 468 IPC. The writ petitioner is arrayed as accused No.1.

7.This apart, the writ petitioner was arrested and released on bail. Therefore, considering the facts and temperament of the writ petitioner, the respondents rejected the claim of the writ petitioner for renewal of the Gun License.

8.This Court is of an opinion that Gun License can never be granted in a routine and casual manner. In the current day world of sensitivity, the Competent Authorities are bound to verify the personal details, background and the temperament of the persons, who all are seeking the Gun License. The safety and security of the people at large in that locality is also to be taken into account while granting the Gun License to the individual persons. It is possible that by having the Gun License, the persons may threaten the other persons in that village or in the nearby areas. Thus the facts and circumstances are to be ascertained by the authorities before considering such applications seeking Gun License or renewal of Gun License.

9.In the present case on hand, the writ petitioner is now aged about 63 years old and he is residing in a place very near to Mettupalayam, which is a town. Thus the very ground

raised by the writ petitioner that movement of wildlife animals will be detrimental to his safety, cannot be accepted at all. At the age of 63, the writ petitioner may not be in a position to handle the Gun also. Thus, the order of rejection is in accordance with the principles laid down for the grant of Gun License and there is no infirmity as such.

10. Even in respect of the applications, the Authorities Competent must be careful in considering the said applications in view of the complexity prevailing in the Society.

11. This being the factum of the case, this Court do not find any infirmity in respect of the reasonings provided in the impugned order and accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

Svn/vji

To

1. The District Collector,
Coimbatore District,
Coimbatore.
2. The District Revenue Officer,
Additional District Magistrate,
Coimbatore District,
Coimbatore.
3. The Superintendent of Police,
Coimbatore District,
Coimbatore.

+lcc to Mr.G.Karthikeyan, Advocate, S.R.No.75497
+lcc to the Government Pleader, S.R.No.75281

WP No.499 of 2014

VD(CO)
CS/28/11/2018