

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2018

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.14868 of 2018

R.Kandasamy

.. Petitioner

-vs-

The Additional District Magistrate (2)
and District Revenue Officer
Collectorate, Namakkal

.. Respondent

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records with respect of the order passed by the respondent in Pa.Mu.31431/2017-M3 dated 18.05.2018, and quash the same consequently direct the respondent herein to renew the gun license to the petitioner herein by considering the representation of the petitioner herein dated 10.10.2017 within an appropriate time.

For Petitioner :: Mr.R.Nalliyappan

For Respondent :: Mr.V.Jayaprakash Narayanan
Special Government Pleader

ORDER

This writ petition has been directed against the impugned order dated 18.5.2018 passed by the Additional District Magistrate and District Revenue Officer, Namakkal rejecting the request of the petitioner for renewal of his gun license, citing wholly a bad and unacceptable reason that since the petitioner had reached the age of 75, he will not be able to handle the gun if the renewal is granted.

2. Assailing the said order and the reasoning given by the respondent, the learned counsel for the petitioner submitted that the impugned order per se is illegal and reflects the total non-application of mind of the respondent, as the date of birth of the petitioner is 12.06.1954, as per the Driving Licence, Aadhaar Card and the PAN card issued by the authorities along with the photograph of the petitioner. But the respondent, without looking into any of the aforementioned documents, hurriedly proceeded to reject the case of the petitioner.

3. It is at this stage, the learned Special Government Pleader for the respondent submitted that the respondent has not been instructed in pursuance of the proposal sent by the Village Administrative Officer.

4. But this Court is not inclined to accept the said reason. When the petitioner has applied for renewal of his gun license along with the documents, namely, Driving licence, Aadhaar card and PAN card with the photograph reflecting his date of birth as 12.06.1954, he has not attained the age of 75 as stated by the respondent in the impugned order. When this Court, considering the approach of the respondent, was inclined to impose costs, the learned Special Government Pleader requested this Court not to impose costs, as the notice has not been issued to the respondent calling for his explanation as to why exemplary costs should not be imposed. However, this Court, to avoid further loss of time, is inclined to remand the matter back to the respondent for fresh consideration. Accordingly, the impugned order is set aside and the respondent is hereby directed to consider the request of the petitioner for renewal of his gun licence on the basis of the aforementioned documents, namely, driving licence, Aadhaar card and PAN card reflecting his date of birth and do the needful within a period of two weeks from the date of receipt of a copy of this order. With this direction, the writ petition stands allowed. Consequently, W.M.P.No.17599 of 2018 is closed. No costs.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To

1. The Additional District Magistrate (2)
and District Revenue Officer
Collectorate, Namakkal

+1cc to Mr.R.NALLIYAPPAN, Advocate, S.R.No. 39006
+1cc to the Government Pleader, S.R.No. 39918

W.P.No.14868 of 2018

NM(CO)
TR(04/07/2018)