



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P (MD) No.1631 of 2018

and

WMP (DM) no.1724 of 2018

V.Mathuram

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Chief Secretary,
Department of Home (Po.XIII),
Fort St.George, Chennai.

2.The State of Tamil Nadu,
Representation by its Additional Chief Secretary,
Department of Home (PO.XIII)
Fort.St.George, Chennai -9.

3.The District Revenue Officer cum
the Additional District Magistrate,
Madurai, Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari calling for the records relating to the impugned proceedings issued by the 2nd Respondent Additional Chief Secretary in Letter No.20571/P.O.13/2017 dated 6/11/2017 , quash the same and further direct the respondents to renew the gun license bearing L.No.120/2/UPT to the Petitioner for having one DBBL Gun bearing No.13246 for security purpose.

For Petitioner

: Mr.S.Xavier Rajini

For Respondents

: Mr.Aiyram K.Selvakumar,
Additional Government Pleader

ORDER

The order of rejection dated 06.11.2017, seeking renewal of gun licence is under challenge in this writ petition.

2.The learned counsel of the writ petitioner made submissions that the writ petitioner is owning a large extent of property. He has been owning gun licence from the year 2003 and he has not misused or abused the license for about 12 years and he was handling it with utmost care. This being the position, there was a delay of 164 days in submitting the application for renewal of gun licence.



The writ petitioner filed appeal against the order of the original authority rejecting the renewal of licence. The appeal is on medical grounds and the appeal is rejected by stating that the applicant has not preferred the appeal within time.

3. This Court is of an opinion that the right of the parties are to be decided by adjudicating the merits and demerits of the matter. Dismissing the appeal on the ground of delay of 164 days, may not be more appropriate. Further the points raised by the writ petitioner are to be adjudicated on its own merits and demerits. This being the concept to be followed by the competent authority, this Court is of the view that the rejection of appeal only on the ground of delay of 164 days may not be appropriate and on this limited ground, this Court has to consider the present writ petition.

4. Accordingly, the impugned order dated 06.04.2017 issued in letter No.20571/Pol.13/2017, dated 06.11.2017 is quashed and the matter is remitted back to the the second respondent and the second respondent is directed to reconsider the appeal filed by the writ petitioner, take decision and pass orders on merits and in accordance with law, after affording opportunity to the parties concerned, within a period of 12 weeks from the date of receipt of a copy of this order. The writ petitioner is permitted to submit a copy of the appeal and other relevant documents along with a copy of a order passed in this writ petition to the second respondent.

5. In the result, the writ petition stands allowed. However, there shall be no orders as to costs. Consequently, WMP(MD)No.1724 of 2018 is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To

1. The Chief Secretary,
Department of Home (Po.XIII),
Fort St.George, Chennai.
2. The Additional Chief Secretary,
Department of Home (PO.XIII)
Fort.St.George, Chennai -9.
3. The District Revenue Officer cum
the Additional District Magistrate,
Madurai, Madurai District.

+One cc to M/s.S.Xavier Rajini, Advocate, SR.No.44927

+One cc to The Special Government Pleader, SR.No.44775

dsk

RL/6C/2P/KK/SAR1/14/2/2018

ORDER MADE IN