



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2018

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.9374 of 2018

and

W.M.P. (MD) No.8652 of 2018

K.A.Chidambaram

: Petitioner

Vs.

The Commissioner of Police,
Madurai City,
Madurai.

: Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent in C.No.827/68823/VI/2017 dated 06.04.2018, quash the same and consequently direct the respondent to forthwith renew the fire arms License of the petitioner in G1/10/1991.

For Petitioner : Mr.J.Parekhkumar

For Respondent : Mr.N.Shanmuga Selvam

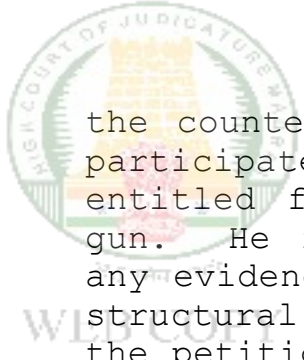
Additional Government Pleader

ORDER

The petitioner, who is life member of the Madurai Rifle Club, is in possession of licence for double barrel gun in Licence No.G1/10/1991. The petitioner had applied for renewal of licence, the present impugned order came to be passed rejecting his renewal application on the ground that he had not participated in the sports event for the last ten years. Challenging the said order, the present Writ Petition has been filed.

2.The learned counsel appearing for the petitioner submitted that there are no rules and regulations stipulating that a person should not possess three arms licence. He also submitted that as per Section 3(2) of Arms Act 1959, the petitioner is entitled to possess three fire arms and as such, the respondent is not empowered to cancel the same. He further submitted that the only criteria for renewal of arms licence as per the Section 13 and 14 of the Arms Act and that the reasoning for the respondent he had not participated any sports event for the last ten years is not a ground contemplated under the Act. As such the impugned order is liable to be quashed.

3.The learned Government Advocate appearing for the respondent by relying upon the statements in the impugned order as well as in



the counter affidavit submitted that since the petitioner is not participated in any sport event, for the last ten years, he is not entitled for renewal of the arms licence for the double barrel gun. He further submitted that the petitioner is not furnished any evidence to show that he requires two arms in his practice or structural learning process. He would further submit that even if the petitioner is aggrieved against the impugned order, the double barrel gun would be placed in the safe custody of the authorised arms institution and it is always open to him to seek for such custody by approaching the respondent for the purpose of such competition.

4. I have carefully considered the submissions on either side. As rightly pointed out by the learned counsel appearing for the petitioner, the scope for refusal to renew the licence is limited to the grounds specified in Sections 13 and 14 of the Arms Act. None of the circumstances stated under Section 13 and 14 is the reasoning in the impugned order. Mere non-participation in the sports event for the last ten years, cannot be the valid reasoning for refusal to renew the petitioner's licence. It is needless to point out that the gun may be required for the petitioner to carry out his practices for the purpose of participating in the sports events. Even other wise, in the absence of any enabling provisions to the respondent to reject the renewal application for the non-participation of the petitioner in any sports events is not justifiable or valid.

5. Section 3(2) empowers a person for possessing and carrying three fire arms. As such, the possession of the two fire arms by the petitioner is not against the statute. The respondent cancelled the double barrel gun licence only on the ground that the petitioner is already in possession of one gun.

6. The said reasoning is not in conformity with the provisions of the Arms Act and the rules framed therein. Even assuming that the petitioner does not require double barrel gun, there is no enabling provision for the respondent to cancel the licence on the ground that possession of Rifle No.96993 is sufficient for the sport and that the Double Barrel Gun in addition to the Rifle No.96993 is not required. Hence, there is absolutely no justification on the part of the respondent in cancelling the licence of the petitioner in respect of double barrel gun. As such, the impugned order itself is illegal.

7. In the light of the observation, the impugned order dated 06.04.2018 passed by the Commissioner of Police, Madurai City is hereby quashed and the licence insofar as the double barrel gun bearing DBBL Licence No. G1/10/1991 is restored. Consequently, the respondent is directed to renew the petitioner's arms licence bearing DBBL Licence No. G1/10/1991 within a period of six weeks from the date of receipt of a copy of this order. Accordingly,



this Writ Petition is allowed and connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CO)

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Sub Assistant Registrar(CS-IV)

To

The Commissioner of Police,
Madurai City, Madurai.

+1cc to Mr.P.Srinivas, Advocate Sr.No.74586

GNS

VB/RP/SAR4/31.07.2018/3P/3C

W.P. (MD) No.9374 of 2018
23.07.2018