

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 23.07.2018****CORAM :****THE HONOURABLE MR.JUSTICE M.S.RAMESH****W.P. (MD) No.9375 of 2018****and****W.M.P. (MD) No.8653 of 2018**

A.Ravi

: Petitioner

Vs.

The Commissioner of Police,
Madurai City,
Madurai.

: Respondent

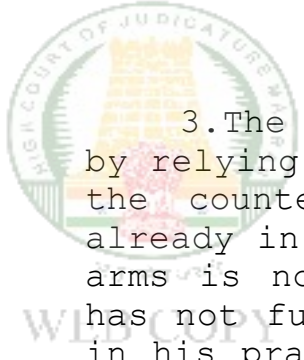
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent in C.No.828/68824/VI/2017 dated 06.04.2018, quash the same and consequently direct the respondent to forthwith renew the Fire arms License of the petitioner in F2/78/1999 and F2/48/1993.

For Petitioner : Mr.P.Srinivas

For Respondent : Mr.N.Shanmuga Selvam
Additional Government Pleader**ORDER**

The petitioner's request for renewal of licence of two of his arms namely, .22 Rifle and single barrel breach loaded gun had been rejected through impugned order dated 06.04.2018, on the ground that he is already in possession of .32 Revolver and that he is not a dedicated sports person. 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 petitioner is a life member of the Madurai Rifle Club and is in possession of .22 Rifle, Single Barrel Breach Loaded Gun and .32 Revolver, for which he has valid licence. The reasoning of the respondent that the possession of .32 Revolver will serve the purpose and that the petitioner is not a dedicated sports person, is baseless.



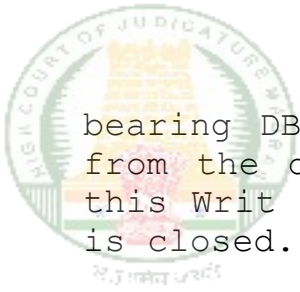
3. The learned Government Advocate appearing for the respondent by relying upon the statements in the impugned order as well as in the counter affidavit submitted that since the petitioner is already in possession of .32 revolver, the possession of other two arms is not required. He further submitted that the petitioner has 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 .22 Rifle and the single barrel breach loaded 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 three 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 .22 Rifle and single barrel breach loaded gun, there is no enabling provision for the respondent to cancel the licence on the ground that possession of .32 revolver is sufficient for the sport and that the .22 Rifle and single barrel breach loaded gun in addition to the .32 Revolver 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 .22 Rifle and single barrel breach loaded 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 set aside 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.

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/True Copy/

Sd/-

Assistant Registrar(CO)

Sub Assistant Registrar(CS-IV)

To

The Commissioner of Police,
Madurai City, Madurai.

GNS

VB/RP/SAR4/31.07.2018/3P/2C

W.P. (MD) No. 9375 of 2018
23.07.2018