



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

WEB COPY

W.P. (MD) No.13773 of 2016andW.M.P (MD) No.10277 of 2016

S.Seenivasan

... Petitioner

vs.

1. The Commissioner of Police
Madurai City
Madurai.

2. The Inspector of Police
Subramaniyapuram Police Station
Madurai City

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified Mandamus to call for the entire records pertaining to the impugned order passed by the first respondent in endorsement C.No.29616/668/V1/2016 dated 14.06.2016 and quash the same as illegal and consequently direct the first respondent to grant the petitioner a fresh arms license for possessing a 0.32 pistol for his self protection in accordance with the Arms Act-1959 Chapter III, Section 13(3)(b) based on his application dated 01.06.2016 within the time that may be stipulated by this court.

For Petitioner : Mr.A.Kannan

For Respondents : Mr.J.Gunaseelan Muthiah

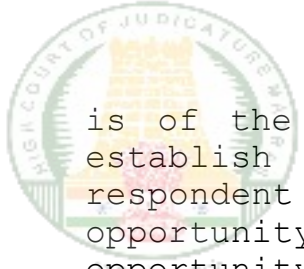
Additional Government Pleader

O R D E R

The reasons cited in the impugned order rejecting the petitioner's request for issuance of Arms license for possessing a 0.32 pistol is that the petitioner does not face eminent threat and that he had failed to raise sufficient grounds to prove his business transactions.

2. Section 14 of the Arms Act 1959 deals with the ground on which the authority may refuse the for issuance of request for gun license.

3. Among the reasons quoted under Section 14 of the Arms Act 1959, the eminent threat to the petitioner's life is not contemplated under Section 14 of the Arms Act 1959, as such the respondent may not be correct in rejecting the petitioner's application for gun license. Further more, if the respondent herein



is of the view that the petitioner has no sufficient grounds to establish his business transactions, it is always open to the respondent to call for such explanation by way of giving an opportunity to raise his objections. Without giving any such opportunity to the petitioner to give his objections and establish that he has business transactions which necessitates to possess gun, the impugned order amounts to violation of principles of natural justice. In view of the same, the impugned order dated 14.06.2016 passed by the first respondent is quashed and the matter is remanded back to the first respondent for fresh consideration.

4. In the light of the above observation, the petitioner is also granted liberty to produce necessary documents before the first respondent and establish his grounds alone to the respondents and on receipt of such representation the first respondent shall consider the same on its own merits in the light of the above observations and pass appropriate orders within a period of six weeks from the date of receipt of copy of this order.

5. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Crl. side)

/True Copy/

Sub Assistant Registrar(CS-I)

To:

1. The Commissioner of Police
Madurai City
Madurai.
2. The Inspector of Police
Subramaniyapuram Police Station
Madurai City

+1cc to M/S.A.Kannan, Advocate SR.No. 73405

+1cc to Special Government Pleader, SR.No. 73570

W.P.(MD) No.13773 of 2016
and

W.M.P(MD) No.10277 of 2016

17.07.2018

aav

JM/SKN RSK/SAR 1/26.07.2018/2P/5C

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