

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.2909 of 2018

Heard learned counsel for the petitioner and the learned Government Pleader for Home (AP).

In the present Writ Petition the order passed by the Collector and District Magistrate, Kurnool-first respondent herein, vide proceedings Rc.No.C6/727/M/2016 dated 07.01.2017, cancelling the arms licence of the petitioner herein on the ground that he did not apply for renewal of the arms licence before the expiry of the licence, is under challenge.

When the matter is taken up, a preliminary objection, as to the maintainability of the Writ Petition, has been taken by the learned Government Pleader, by contending that, as against the impugned order, Section 18 of the Arms Act, 1959 (for brevity, 'the Act') provides for a statutory appeal and without availing the said alternative remedy of appeal to the State Government, the present Writ Petition is filed directly before this Court, as such, the Writ Petition is liable to be rejected on the said solitary ground.

According to Section 18 of the Act, any person, aggrieved by an order passed by the licencing authority, can file an appeal before the State Government as per Rule 105 of the Arms Rules, 2016.

In view of the above said alternative remedy of appeal to the third respondent herein, this Court is not inclined to entertain the

present Writ Petition. However, it is open for the petitioner herein to file an appeal against the order impugned in the present Writ Petition within a period of three weeks from the date of receipt of a copy of this order and, if any such appeal is filed, within the time stipulated above, before the third respondent, the same be considered and appropriate orders be passed, strictly in accordance with law, within a period of two months from the date of filing of the said appeal.

Accordingly, the Writ Petition is disposed of. Miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

01st February, 2018.
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A.V.SESHA SAI