

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.3266 OF 2018

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for Home (TG) appearing for the respondents.

2. A memo bearing Rc.No.13/RR/M1-Arms/Rckd/2017, dated 12.07.2017, issued by the Commissioner of Police, Rachakonda is under challenge in the present writ petition.

3. By virtue of the said memo, the Commissioner of Police, Rachakonda rejected the request of the petitioner for re-registration of the arms license.

4. 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 order impugned, Section 18 of the Arms Act, 1959 provides for statutory appeal to the Government and without availing the said alternative remedy, the present writ petition has been filed before this Court directly and on the said ground alone, the writ petition is liable to be dismissed.

5. According to Section 18 of the Arms Act, any person aggrieved by an order of the licensing authority has the right of appeal. Under the Arms Rules, the State Government is the appellate authority. In view of the said alternative remedy, this Court is not inclined to entertain the present writ petition.

6. Accordingly, the Writ Petition stands disposed of, giving liberty to the petitioner herein to file statutory appeal before the

State Government under the aforesaid provision of law within a period of two (2) weeks from the date of receipt of a copy of this order. If any such appeal is filed, the same be considered and appropriate orders be passed strictly in accordance with law within a period of two (2) months from the date of filing of the said appeal. There shall be no order as to costs.

7. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE A.V.SESHA SAI

Date : 02.02.2018
AMD



THE HONOURABLE SRI JUSTICE A.V.SESHA SAI



WRIT PETITION No.3266 OF 2018

Date: 02.02.2018

AMD