

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.10188 OF 2018

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed seeking verbatim the following relief:

“ to issue an appropriate Writ, Order or Direction, more particularly one in the nature of writ of Mandamus declaring the memo in Rc.No.353/Fresh/M1-Arms/Rckd/2017-18, dated 06-01-2018 issued by the 2nd respondent rejecting my application for grant of Arm license as being illegal, arbitrary, unconstitutional, contrary to statement of objects and reasons of the Arms Act, 1959, apart from violative of Article 14 and 21 of the constitution of India and consequently to set aside the same with a Direction to the respondents to grant Arm license to the petitioner in the interest of the justice and pass such other Order or Orders as are deemed fit and proper in the circumstances of the case.”

2. I have heard the submissions of Sri P.Shashikiran, the learned counsel appearing for the petitioner, and of the learned Government Pleader for Home appearing for the respondents 1 to
3. I have perused the material record.

3. The facts discernible are as follows:

The petitioner sought for arms licence and the said request was once rejected. The appeal of the petitioner was disposed of pursuant to orders of this Court in WP.No.1045 of 2016, dated 18-01-2016. The said appeal was dismissed and the petitioner's request was rejected confirming the order of the primary authority. Later, the petitioner once again approached the 2nd respondent for grant of fresh arms licence by submitting

application, dated 12-06-2017. By order dated 06-01-2018, the said request was also rejected. Therefore, the petitioner filed the present writ petition.

4. While reiterating the contents in the affidavit filed in support of the petition, learned counsel for the petitioner would *inter-alia* submit as follows:

“ There are no reasons assigned in the order impugned. It is only stated in the said order that there is no specific threat either from any individual or from any group. On that sole ground, the request of the petitioner for arms licence was rejected. The said order being not a reasoned order, the petitioner is constrained to file the writ petition, though there is a provision for preferring the appeal before the appellate authority i.e., the 1st respondent herein.”

5. Learned Government Pleader for Home on oral instructions would submit that even assuming for a moment that the order is unsustainable, the petitioner is having an efficacious alternative remedy of appeal and, therefore, this writ petition is not maintainable.

6. Having regard to the facts and submissions, this writ petition is disposed of reserving liberty to the petitioner to prefer an appeal before the 1st respondent within two weeks from the date of receipt of a copy of this order. It is needless to state that in the event the petitioner prefers any such appeal, the 1st respondent shall consider the said appeal on merits and pass appropriate reasoned order thereon, in accordance with law, without reference

to the issue of limitation, if any. The said exercise shall be completed expeditiously and in any event within four weeks from the date of receipt of the appeal petition from the petitioner.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

M. SEETHARAMA MURTI, J

02-04-2018

Nvl

