

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.10639 of 2018

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner questioning the action of the Commissioner of Police, Rachakonda Commissionerate/3rd respondent herein, in issuing a show cause notice, dated 28.02.2018, whereby the petitioner was directed to show cause as to why his Arms License should not be cancelled.

2. I have heard the submissions of Sri *Narinderpal Singh*, learned counsel appearing for the petitioner, and of Sri *K.Lakshman*, learned Assistant Solicitor General appearing for the 1st respondent, and of the learned Government Pleader for Home (Telangana), appearing for the respondents 2 to 5. I have perused the material record.

3. At the hearing, learned counsel for the petitioner submits that while issuing the show cause notice, the Police Officer concerned sought an explanation within fifteen (15) days from the date of receipt of the notice and that in response thereto, the petitioner submitted an explanation, dated 26.03.2018, and that till date, no orders are passed and no decision is taken after duly considering the explanation of the petitioner.

4. Learned Government Pleader, on written instructions, dated 03.04.2018, a copy of which is placed on record, would submit that as per circular instructions in Circular No.V-11026/72/2011-Arms, dated 01.06.2011, issued by the Ministry of Home Affairs (IS-II Div/Arms Section), it is categorically stated that the arms licences

cannot be used as an extra qualification for finding jobs and ex-servicemen should be encouraged to seek jobs on the basis of their experience and records of service, but not on the basis of possession of arms license and that keeping in view the instructions in the said circular, the impugned show cause notice was issued calling the petitioner to show cause and that the writ petition filed challenging a show cause notice without availing the opportunity to submit an explanation is not maintainable.

5. Having regard to the facts and submissions, the Writ Petition is disposed of directing the Commissioner of Police, Rachakonda Commissionerate/3rd respondent herein, to consider and dispose of the explanation of the petitioner submitted in reply to the impugned show cause notice and take a considered decision and pass a reasoned order, by following the procedure established by law, within a period of three (03) weeks from the date of receipt of a copy of this order, however, after affording an opportunity of hearing to the petitioner. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

M.SEETHARAMA MURTI, J

Date: 17th April, 2018

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