

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.11727 OF 2018

ORDER:

In this writ petition, under Article 226 of the Constitution of India, the relief claimed verbatim is as follows:

“to issue Writ or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd and 3rd respondents namely the District Collector, YSR Kadapa District & the Superintendent of Police, YSR Kadapa District in not renewing the Arms license No Kadapa 444 for NPB Pistol for a further period of 3 years inspite of the representations dt.6.12.2017, 9.1.2018, 16.3.2018, 31.3.2018 for renewal of license as illegal arbitrary and violation of Art 14 and 21 of the Constitution of India and consequently direct the respondents to renew the petitioner's Arms license for a further period of 3 years 2018 to 2021.”

2. I have heard the submissions of Sri M.P.Kashyap, learned counsel for the petitioner, and of the learned Government Pleader for Home (A.P.), appearing for the respondents 1 and 3. I have perused the material record.

3. At the hearing, learned counsel for the petitioner submits as follows:

The writ petition is filed questioning the inaction of the respondents 2 and 3 viz., the District Collector, YSR Kadapa District, and the Superintendent of Police of the said district in not renewing the arms licence in respect of the subject weapon of the petitioner for a further period of three years (2018-2021) inspite of his representations, dated 06.12.2017, 09.01.2018, 16.03.2018, and 31.03.2018, submitted with requests for renewal of the licence. A consequential direction is also sought in the writ

petition to consider the said representations. The Principal Secretary to Government, *vide* letter, dated 24.01.2018, forwarded a copy of the representation, dated 09.01.2018, to the Collector and District Magistrate, YSR District, Kadapa, with a request to examine the representation, in detail. This petitioner filed W.P.No.29398 of 2015, when there was no response to the request for renewal of his arms licence. Though he submitted an application for renewal as long back as on 25.02.2015 i.e., before the expiry of arms licence, no action has been taken thereupon to renew the licence. In the meanwhile, there was an attempt to kill him, on 28.06.2015. This Court, by its order, dated 06.11.2015, was pleased to give the following direction in the above writ petition:

“The writ petition is accordingly disposed of directing the District Collector, YSR Kadapa District, to consider the petitioner’s application dated 25.02.2015 for renewal of his arms licence in accordance with the rules and upon the report submitted by the Superintendent of Police, YSR Kadapa District, within four weeks from the date of receipt of a copy of this order and take appropriate action thereon. Needless to state, in the event the District Collector, YSR Kadapa District, chooses to reject the petitioner’s request for renewal of his arms licence, he has to record reasons therefor and communicate the same to the petitioner.”

However, no action was taken by the respondents 2 and 3 pursuant to the orders of this Court. The petitioner again approached this Court by filing W.P.No.9821 of 2016. In that writ petition, this Court was pleased to pass the following order:

“Since there is a provision for appeal against the said proceedings, liberty is given to the petitioner to avail the said remedy within a period of thirty days from the date of receipt of copy of this order.”

Subsequently, the petitioner filed an appeal to the Principal Secretary to Government. A report was called for, thereafter. In that report, a recommendation was made for renewal of arms licence. Subsequently, by Memo.No.1076/Arms/A1/2017-2, dated 13.06.2017, the arms licence was renewed for a further period of three years i.e., from 05.06.2015 to 04.06.2018. In that view of the matter, the petitioner made an application to the 2nd respondent for consideration of his request for renewal of arms licence, but no action has been taken. The 1st respondent authority forwarded the application of the petitioner to the 2nd respondent for verification and taking appropriate action. But, till date, no action has been taken. Hence, the present writ petition is filed.'

4. Learned counsel for the petitioner would further submit that recording the submission of the learned Government Pleader for Home that the weapon is in possession of the applicant/petitioner and he is having validity of the arms licence upto 04.06.2018 as per Memo.No.1076/Arms/A1/2017-2, of the Government of Andhra Pradesh, Home (Arms) Department, dated 13.06.2017, if a direction is given to the District Collector to consider the representations of the petitioner in accordance with the procedure established by law, the grievance of the writ petitioner stands redressed.

5. However, learned Government Pleader for Home, on oral instructions, and also by placing on record a copy of the letter of the Superintendent of Police, which was addressed to the Collector & District Magistrate, YSR District, Kadapa, strongly opposed for

granting any interim order. He invited the attention of this Court to the contents of the said letter wherein it is *inter alia* stated as follows:

‘The applicant is involved in (1) Crime No.138 of 2012 for the offences punishable under Sections 353 and 506 I.P.C. on the file of Kadapa I Town U/G Police Station, which was registered for an assault on a Traffic Police Constable while discharging duty; 2) Crime No.52 of 2012 for the offences punishable under Sections 455, 456, 464 and 420 I.P.C. read with 156(3) Cr.P.C. of Kadapa Taluk Police Station, which is related to a civil dispute; and, (3) Crime No.85 of 2015 registered for the offences punishable under Sections 324, 354 and 506 I.P.C. and Section 3(1)(x) of the Schedule Castes and the Schedule Tribes (POA) Act, 1989. The applicant is not a factionist. He is aged about 37 years and he can handle the weapon. His conduct is not satisfactory on account of the remarks received by the authority concerned. There is no specific threat perception to the applicant from any corner. Considering all the above aspects, the Inspector of Police, Chinnachowk U/G Police Station and Sub-Divisional Police Officer, Kadapa, have not recommended for renewal of arms licence.’ Having drawn the attention of the Court to the contents of the above said letter, he would further submit that he is yet to receive instructions from the Collector and has sought time to file counter.

6. In the considered view of this Court, this writ petition need not be kept pending and can be disposed of having regard to the facts and submissions and as no other direction except a direction

for consideration of the representations is being sought for by the petitioner.

7. In the result, recording the submissions of the learned Government Pleader that the weapon is in possession of the applicant/petitioner herein and that he is having validity of arms licence upto 04.06.2018, as per the aforementioned Memo of the Government of Andhra Pradesh, Home (Arms) Department, dated 13.06.2017, the Writ Petition is disposed of directing the District Collector, YSR Kadapa District, Kadapa, the 2nd respondent herein, to consider and dispose of the representations, dated 06.12.2017, 09.01.2018, 16.03.2018, and 31.03.2018, of the petitioner in strict accordance with the procedure established by law, as expeditiously as possible, and preferably, by 31.05.2018. There shall be no order as to costs.

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

JUSTICE M.SEETHARAMA MURTI

Date: 26.04.2018
AMD

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI



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AMD