

THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION No.3295 of 2007

ORDER:

This writ petition is filed challenging the order of the 2nd respondent, passed in Appeal No.LP3/494/2003, dated 02.02.2006.

Heard both sides.

The petitioner was granted Arms Licence for holding a Gun in the year 1973, vide proceedings bearing No.924/KMM and the same has been renewed till 31.12.2002. When the petitioner applied for renewal of licence for further period of 3 years, i.e., from 2003 to 2005, the same was rejected by the 1st respondent, vide proceedings in RC No.C1/84/2003, dated 17.09.2003, on the ground that the Superintendent of Police has not recommended for renewal of the Arms Licence. The petitioner filed appeal before the 2nd respondent under Section 18 of the Arms Act, 1959 and the same was dismissed on 02.02.2006 with the following observations:

“Licensing authority after going through the report of the S.P, decided to issue notices to appellant to appear before him so that appellant can be heard personally to represent his case justifying his claim for renewal of his licence, with support of any instances that warrant retention of weapon with him. But appellant has failed to appear before the licensing authority in spite of issuance of hearing notices more than once. Instead he preferred to represent his case in writing stating that he is settled permanently at his native place Urlugonda village of Mothey Mandal of Nalgonda District looking after his agricultural landed property and residing in a Farm house. The appellant has not intimated his change of residence to the licensing authority as contemplated under Rule 62(4) of the Arms Rules, 1962 which is not in conformity with the provisions of the Arms Act, 1959 and the Arms Rules, 1962.”

Learned counsel for the petitioner would contend that the 1st respondent, based on the report of the Superintendent of Police, without considering the threat perception, independently rejected the renewal of the Gun Licence, by order dated 17.09.2003. She further contends that the 2nd respondent also without independent application to the facts of the case holding that the Gun Licence is for self-protection, dismissed the appeal on erroneous reasoning.

Having considered the rival submissions of both the parties and having perused the record, this court does not find any illegality in the impugned order passed by the 2nd respondent, dated 02.02.2006, which is under challenge in this writ petition.

Accordingly, the Writ Petition is dismissed. However, the petitioner is at liberty to make a representation to the 1st respondent for return of the Gun for purpose of selling the same to any Arms Dealer, and on filing such representation, the 1st respondent may pass appropriate orders thereon, in accordance with law. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

Date: 13.04.2018
Dsr

M.GANGA RAO,J