

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.30474 of 2018

ORDER:

This writ petition is filed challenging the action of the 2nd respondent in cancelling the arms licence of the petitioner bearing No.NZB/3444/2011 vide File No.G2/17/Arms-Nzb/2017-18, dated 23-07-2018.

Learned counsel for the petitioner submits that only on the ground that the petitioner's aadhar card contained the address of the petitioner as Plot No.206, Surya Mansion, Shiva Enclave, Bowenpalli, Secunderabad, his application for renewal of arms licence was rejected. He submits that in pursuance to the show-cause notice issued on 31-05-2018, the petitioner has submitted his reply dated 14-06-2018 stating that he is a permanent resident of Savel Village and he also states that he owns a Flat at Secunderabad. He also submits that when he was at Hyderabad at the time of Aadhar enrollment, he got enrolled at Hyderabad and later he got it changed the address in the aadhar card and a copy of the same was also submitted to the 2nd respondent. But without considering the same and without giving opportunity of hearing to the petitioner, the impugned order is passed, which is illegal and arbitrary and in violation of principles of natural justice.

Learned Assistant Government Pleader for Home produced written instructions which goes to show that the Inspector of Police submitted report saying that petitioner is residing at Plot No.206, Surya Mansion, Shiva Enclave,

Bowenpalli, Secunderabad but he has shown his address as H.No.3-36, Savel Village, Mendora Mandal of Nizamabad District and in respect of show-cause notice issued on 31-05-2018, the petitioner gave a vague reply on 14-06-2018. As such, the Assistant Commissioner of Police, Armoor has not recommended to renew the licence of the petitioner. Basing on the same, the impugned order is passed.

In this case, it is to be seen that in response to the show-cause notice dated 31-05-2018, the petitioner submitted his explanation on 14-06-2018, wherein he clearly stated that he is having aadhar card bearing No.2422 8736 1621 showing his address at Savel, Nizamabad District and he also filed other documents showing his address. He also stated that he is a permanent resident of Savel Village and he also states that he owns a Flat at Secunderabad. It is stated that he has also filed other documents regarding proof of address and the same can also be considered as per rule 11 (4) (c) of Arms Rules, 2016. The said aspect was not considered, while passing the impugned order. It goes to show that the issue was not properly considered by the 2nd respondent and the petitioner was also not given opportunity of hearing before passing the impugned order, which is in violation of principles of natural justice.

In view of the same, the impugned order is set aside. Accordingly, the writ petition is allowed to the extent indicated above and the competent authority is to reconsider the

application of the petitioner by taking into account the above factors. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

11-09-2018

Note:
Issue CC in one week.
B/o.
Nvl



