

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.30412 OF 2018

ORDER :

This Writ Petition is filed challenging the proceedings of the 1st respondent in Lr.No.1175431(P)/ARMS/A1/2018, dated 05.06.2018 wherein and whereby the appeal filed by the petitioner against proceedings issued by the 2nd respondent dated 07.01.2017 in Rc.C6/727/M/2016 was rejected as the appeal is time barred.

Heard Sri P.Nagendra Reddy, learned counsel for the petitioner and learned Government pleader for Home appearing for respondents.

Learned counsel for the petitioner submits that when the 2nd respondent cancelled the arms licence of the petitioner vide proceedings dated 07.01.2017 on the ground he did not apply for renewal of the arms licence before the expiry of the licence, he filed WP No.2909 of 2018 before this Court. This Court, by order dated 01.02.2018, disposed of the same granting liberty to the petitioner to file an appeal before the 3rd respondent therein (1st respondent herein) within a period of three weeks from the date of receipt of a copy of the order. He submits as the order copy in the aforesaid Writ Petition furnished to him on 14.03.2018, as such, he got time to file the appeal up to 04.04.2018. Therefore, he filed appeal on 22.03.2018, which is within the time stipulated by this Court in WP No.2909 of 2018.

In this case, it is to be seen that when petitioner filed W.P.No.2909 of 2018 challenging the cancellation of arms licence of the petitioner, this Court permitted the petitioner to file appeal within three weeks from the date of receipt of a copy of the order. It is stated that the petitioner received the certified copy of the order in WP No.2909 of 2018 on 14.03.2018. Even though the petitioner got time till 04.04.2018, he filed the appeal before the 1st respondent on 22.03.2018, but the same as dismissed as time barred, which is erroneous. A perusal of the impugned order dated 05.06.2018 passed by the 1st respondent goes to show that the aforesaid aspects were not considered by the 1st respondent while passing the impugned order.

In view of above facts and circumstances, the impugned order of the 1st respondent vide proceedings in Lr.No.1175431 (P)/ARMS/A1/2018, dated 05.06.2018 is set aside and the 1st respondent is directed to consider the appeal filed by the petitioner on 22.03.2018 on merits and pass appropriate orders, in accordance with law, after affording an opportunity of hearing to the petitioner.

With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, shall stand closed.

A.RAJASHEKER REDDY, J

04-09-2018.
kvs

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY



W.P.No.30412 of 2018

Date: 04.09.2018

kvs