

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 31.01.2019
CORAM
THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.38075 of 2004
and
W.P.M.P.No.45601 of 2004

V.K.Palanisamy

..Petitioner

Vs

1.Additional District Magistrate
and District Revenue Officer
Coimbatore.

2.The District Collector
Coimbatore District.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue Writ of Certiorarified Mandamus, calling for the records in proceedings No.Mu.Mu.70054/2004, K3 dated 06.12.2004 on the file of the first respondent herein quash the same and direct the first respondent herein to grant duplicate licence book and the gun which was surrendered on 16.12.2004 to the petitioner.

For Petitioner : Mr.A.Saravanan

For Respondents : Mr.Akhil Akbar Ali,
Government Advocate

O R D E R

The order dated 06.12.2004, cancelling the Gun licence granted in favour of the writ petitioner is under challenge in the present writ petition.

2.The father of the writ petitioner Mr.V.K.Karuppusamy Gounder was possessing a SBBL Gun for self-protection. The licence was granted in Licence No.24/Pollachi confined to the Coimbatore District under Rule 13(3)(a) of Arms Act Rules, 1959. Subsequently, on 11.11.2000, the said licence was transferred in the name of the writ petitioner as the father of the writ petitioner passed away. Licence was renewed for a period of three years and the petitioner states that the original licence issued in favour of the writ petitioner was lost in the office of the Commissioner of Police, Coimbatore. At the time of submitting the same for verification, the petitioner applied with a duplicate licence and the same was issued on 04.12.2001. The duplicate licence issued also had lost and the petitioner

lodged a Police complaint before the Inspector of Police, Anaimalai Circle, Coimbatore District. The Inspector of Police was issued a certificate, stating that the document was not traceable. The writ petitioner made an application before the District Revenue officer, who in turn, passed the impugned order, by stating that the writ petitioner was not in a position to maintain the licence and on account of his old age, he will not be in a position to handle the Gun. Thus, the licence granted in favour of the writ petitioner in Licence No.9/2000/P was cancelled. Challenging the same, the present writ petition has been filed.

3.This Court is of an opinion that, even at the time of filing of the writ petition, the petitioner was aged about 62 years and now the petitioner would be around 76 years. At this stage, the petitioner would not be in a position to handle the Gun and maintain the same in accordance with the rules in force. This apart, in a growing instance of crime rate in various localities, it is not preferable to renew the licence in favour of the writ petitioner and at this stage, it may not be required for the writ petitioner for self-protection in view of the fact that the petitioner is aged about 76 years and the Gun licence was cancelled during the year 2004 itself. Thus, this Court is not inclined to consider the case of the writ petitioner for grant of gun licence.

4.Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Additional District Magistrate and
District Revenue Officer,
Coimbatore.

2.The District Collector, Coimbatore.

+lcc to Mr.A.Saravanan, Advocate, S.R.No. 8603

+lcc to the Government Pleader, S.R.No. 8780

W.P.No.38075 of 2004

KS(CO)
GN(01/03/2019)