

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 09.01.2019
CORAM
THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.38137 of 2004

N.Radhakrishnan

..Petitioner

Vs

1.The Special Commissioner and
Commissioner of Revenue Administration
Revenue Administration and Mitigation
Department, Chennai 5.

2.The District Magistrate and Collector
Theni District.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent in proceedings D.Dis.RA.5(1)/50036/2003 and A.A.No.098/2003 and dated 16.03.2004 and quash the same as illegal and further direct the second respondent to issue Arms License to the petitioner.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.Akhil Akbar Ali,
Government Advocate.

O R D E R

The order of rejection dated 16.03.2004 in respect of the request of the writ petitioner for the grant of Gun license, is under challenge in the present writ petition.

2. The learned counsel appearing for the writ petitioner states that the writ petitioner is a businessman and undertaking frequent travels during odd hours. The writ petitioner is used to travel by road with cash along with some costly articles. This necessitated the writ petitioner to submit an application, seeking license for possessing arms.

3. The writ petitioner approached the second respondent/District Collector and the Police Officials also had given a report in favour of the writ petitioner. The Revenue Divisional Officer had conducted an enquiry and expressed his opinion that the writ petitioner deserving a license. In spite of the recommendations, the case of the writ petitioner was rejected by the first respondent in order dated 16.03.2004, without assigning any valid reasons. Thus, the writ petitioner is constrained to move the present writ petition.

4. The learned Government Advocate, appearing on behalf of the respondents, states that the order of the impugned is reasoned and a speaking order. The order impugned states that the writ petitioner has not established that he needs a weapon for self protection. Further, the writ petitioner had not brought to the notice of the authorities competent regarding any previous antecedence of threat to his life or property and no evidence to that effect had been produced before the competent authorities and the event of granting license in favour of the writ petitioner, the same will set a bad precedent and all such similarly placed businessmen will claim Gun license from the authorities concerned. Thus, the reasons furnished in the impugned order and the ground raised in this regard by the writ petitioner are in correct.

5. Considering the submissions made on behalf of the respective parties to the lis on hand, this Court is of an opinion that the gun license or license to deal with the arms by the individuals can never be granted in a routine manner. The grant of gun license or for arms, are to be granted cautiously and by ascertaining all the facts and circumstances and further verifying the antecedents of the persons, who all are submitting applications, seeking gun license or to deal with the arms. It is not sufficient to verify the antecedents alone and the necessity to possess the gun is also to be established.

6. During the current world, allowing the individuals to possess arms and ammunitions are certainly not desirable and on account of the various instances, facts and circumstances, the authorities competent must follow the Rules and the Regulations strictly and without any deviations.

7. The District Magistrate/District Collector or any other Revenue Authorities, cannot recommend for the grant of gun license just based on the character or antecedent alone. The need not for possessing the gun license is also to be ascertained and therefore, the recommendations must have adequate and sufficient reasons, enabling the competent authorities to consider the case of the respective individuals for the grant of gun license or to deal with the arms and ammunitions.

8. In the present case, the writ petitioner is aged about 65 years. At this old age, the writ petitioner may not be in a position to handle the gun. The handling of the gun requires certain skills and abilities. The writ petitioner, at the age of 65, may not be in a position to deal with the gun or arms and ammunitions.

9. These all are the various factors which all are to be ascertained under these circumstances, the reasons furnished in the impugned order that the writ petitioner has not established any valid reasons for the grant of gun license, is in accord with the provisions of the law and there is no infirmity as such.

10. Considering the age of the writ petitioner and the reasons furnished in the impugned order, this Court is of an undoubted opinion that the writ petitioner has not established any acceptable ground for the purpose of the grant of gun license and the relief, as such, sought for in the present writ petition cannot be granted. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

vkr/svn

To

1.The Special Commissioner and
Commissioner of Revenue Administration
Revenue Administration and Mitigation
Department, Chennai 5.

2.The District Magistrate and Collector
Theni District.

+1 CC TO GOVERNMENT PLEADER SR.NO. 2750

W.P.No.38137 of 2004

A.SK(07/02/2019)

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