

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2019

CORAM

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. No. 7372 of 2018
and
W.M.P. No. 9154 of 2019

P. Thangavel

... Petitioner

-vs-

1. State of Tamil Nadu,
Represented by Chief Secretary,
Secretariat,
St. George Fort,
Chennai - 600 009.
 - 2.The Additional Secretary/Commissioner
of Revenue Administration,
Ezhilagam,
Chepauk,
Chennai - 600 005.
 - 3.The District Collector,
Thirunelveli,
Thirunelveli District - 627 009.
- ... Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records pertaining to rejection order on the file of the Third Respondent in No. O. Mu. E3. 14213/09 dated 01.03.2010 and confirmed by the Second Respondent/Appellate Authority in order R.A.5(2)/20420/2010 dated 29.11.2013 and quash the same and unsustainable and direct the Respondents to re-register the existing pistol license to my permanent address.

For Petitioner : Mr. J. Franklin

For Respondents : Mr. R. Venkatesh,
Government Advocate

O R D E R

The Petitioner, who has been issued license under the Arms Act, 1959, for possessing a gun, has filed this Writ Petition challenging the order passed by the Second Respondent confirming the order passed by the First Respondent that it would not be possible to record his permanent address in his native Village in Tirunelveli District in that licence.

2. In this context, reference may be made to clause (3) of Rule 62 of the Arms Rules, 1962, which reads as follows:-

"(3) If a person who hold a licence in Form II changes his place of residence, permanently or temporarily for more than thirty consecutive days, and carries with him the weapon concerned by the licence, to a place other than indicated in column 2 of the licence, he shall within thirty days of such change, sent intimation about such change to the licensing authority of the place or his new residence as well as to the authority which granted the licence or last renewed it, as the case may be, and shall on demand forthwith produce the licence and the weapon to the first mentioned authority for making necessary entry in the licence to indicate these in the particulars of the new residence of the licensee."

On a plain reading of the aforesaid legal provision, it is evident that a duty has been cast upon the person holding the license to intimate the Licensing Authority of his change of residence within the stipulated period. The circumstance that the Petitioner is in employment and frequent transfers in such employment causes hardship to him cannot be of any avail to exempt him from the statutory requirement of intimating the change of residence within the stipulated time period.

3. The relief that had been sought by the Petitioner in the proceedings before the Respondent is inconsistent to the statutory provisions and the Licensing Authority has rightly declined to grant the same, which does not call for any interference.

4. Accordingly, the Writ Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

