

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.4849 of 2019

and

WMP.Nos.5518 & 5520 of 2019

A.S.Ragul Jayanthan

... Petitioner

Vs.

1.The Secretary to Government
Home Department, Fort St.George
Secretariat, Chennai-9.

2.The District Executive Magistrate
cum District Collector
Coimbatore,
Coimbatore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in proceedings No.mu.mu.22858/2016/02 dated 22.01.2019 and quash the same and direct the 2nd respondent to grant the petitioner an Arms Licence Valid throughout India for possessing a Double Barrel Shot Gun, (DBBL) for taking part in shooting competition.

For Petitioner : Mr.L.G.Sahadevan

For Respondents : Mr.I.Sathish,
Additional Government Pleader

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O R D E R

Mr.I.Sathish, learned Additional Government Pleader takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner is aggrieved against the order of the second respondent dated 22.01.2019, in refusing to issue Gun licence for possessing Double Barrel Shot Gun (DBBL).

3. It is claimed by the petitioner that he is a Sports person and therefore, as per the terms of the notification of the Ministry of Home Affairs dated 04.08.2014, the petitioner's application ought to have been considered favourably by the second respondent.

4. This Court, at this stage, is not expressing any view on the merits of the claim made by the petitioner for the simple reason that as against the order passed by the second respondent in refusing to grant Gun licence, the petitioner is having a statutory appellate remedy before the first respondent and therefore, without exhausting such remedy before the Appellate Authority, who is admittedly, a fact finding authority as well, the petitioner is not entitled to maintain the present writ petition.

5. Accordingly, this writ petition is disposed of, without expressing any view on the merits of the claim made by the petitioner, only with liberty to the petitioner to file such statutory appeal before the first respondent within a period of 10 days from the date of receipt of a copy of this order. If any such appeal is filed, the first respondent shall consider and pass orders on the same on merits and in accordance with law, within a period of four weeks thereafter. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government
Home Department, Fort St.George
Secretariat, Chennai-9.

2.The District Executive Magistrate
cum District Collector
Coimbatore,Coimbatore District.

+2 cc's to Mr.L.G.Sahadevan, Advocate Sr.No.15925

+1 cc to The Government Pleader, Sr.No.16665

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CSL/26.02.2019