

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.6271 of 2019

and

WMP No.7106 of 2019

T.K.Puviarasu

...Petitioner

Vs.

1.Additional Chief Secretary,
Home (Pol.13) Department,
Government of Tamilnadu,
St.George Fort,
Chennai.

2.The Additional District Magistrate/
District Revenue Officer,
Tiruppur District, Tiruppur.

...Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of certiorarified mandamus to call for the records relating to the order dated 21.01.2019 passed by the first respondent in Appeal vide G.O.(D) No.54 confirming the order dated 02.05.2013 in Na.Ka.No.33441/2010/E2 passed by the second respondent, quash the same and consequently direct the respondents to renew the petitioner's DBBL Gun License No.154/U/2 within a stipulated time frame.

For Petitioner :Mr.D.R.Arunkumar

For Respondents:Mr.SN.Parthasarathy
Government Advocate

ORDER

This writ petition is filed challenging the order of the first respondent dated 21.01.2019, confirming the order of the second respondent dated 02.05.2013. Consequently, the petitioner seeks for direction to the respondents to renew the petitioner's DBBL Gun License No.154/U/2.

2. The petitioner was issued with DBBL Gun License No.154/U/2 by the second respondent. The petitioner applied for

renewal of such gun license from 01.11.2011 to 31.12.2013. The second respondent by order dated 02.05.2013, rejected the request for renewal on the reason that a criminal case in Crime No.101/2011 was pending against the petitioner on the file of Gomangalam Police Station. Challenging the said order, the petitioner preferred an appeal before the first respondent. The said appeal was rejected through the impugned order dated 21.01.2019.

3. The learned counsel for the petitioner contended that the first respondent has mechanically rejected the appeal without applying his independent mind to the facts and circumstances and the grounds raised in the appeal. He further submitted that the criminal case cited was closed as undetected. Therefore, he contended that the first respondent ought to have noted the above said fact before rejecting the appeal.

4. On the other hand, the learned Government Advocate for the respondents submitted that the first respondent has considered the case of the petitioner and thereafter, has chosen to reject the appeal and therefore, the said order need not be interfered with.

5. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

6. The petitioner applied for renewal of gun license before the second respondent for the particular period. It seems that the said request was rejected by the second respondent on 02.05.2013. Challenging the same, the petitioner filed an appeal before the first respondent, who in turn, rejected the same by the impugned proceedings dated 21.01.2019. A bare perusal of the order passed by the first respondent would show that the same is an outcome of non application of mind to the facts and circumstances of the case, without there being any independent reasonings and findings to reject the appeal. In the impugned order, from paragraphs 1 to 4, the first respondent has only extracted the events upto the filing of the appeal and the contentions raised by the appellant seeking for renewal. However, without stating as to whether those contentions are justifiable or not, the first respondent has rejected the appeal by simply stating that the reasons put forth by the appellant are not convincing.

7. Needless to say that the Appellate Authority, being the fact finding Authority, is bound to apply his independent mind and express the reasons either to allow the appeal or to reject the same. Instead, the first respondent, in this case, has mechanically rejected the appeal without stating the reasons.

Therefore, the matter needs to be remitted back to the first respondent for fresh consideration.

8. Accordingly, the writ petition is allowed and the impugned order is set aside and the matter is remitted back to the first respondent to reconsider the appeal filed by the petitioner once again on merits and pass orders in accordance with law. Such exercise shall be done by the first respondent within a period of twelve weeks from the date of receipt of a copy of this order. No costs. The connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

vri

To

1. Additional Chief Secretary,
Home (Pol.13) Department,
Government of Tamilnadu,
St. George Fort,
Chennai.

2. The Additional District Magistrate/
District Revenue Officer,
Tiruppur District, Tiruppur.

+1cc to Mr.D.R.Arun Kumar, Advocate, S.R.No. 27035

+1cc to the Government Pleader, S.R.No. 26797

सत्यमेव जयते

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SSI (CO)
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