

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.21117 of 2018

D.Ponraja

... Petitioner

Vs

1.The Principal Secretary to Government,
Home (POL-XIII) Department,
Secretariat,
Chennai - 600 009.

2.The Commissioner of Police,
Tirunelveli City Police,
Tirunelveli - 627 007.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records relating to the impugned orders dated 01.06.2018 made in G.O.(D)No.601 passed by the 1st respondent, who confirmed the order dated 11.07.2015 made in Rc.No.G6/32937/2012 passed by the 2nd respondent, quash the same.

For Petitioner : Mr.C.Ram Kumar

For Respondents : Mr.E.Balamurugan,
Special Government Pleader.

O R D E R

The present writ petition is filed challenging the order of the 1st respondent dated 01.06.2018, rejecting the appeal filed by the petitioner against the order of the 2nd respondent dated 11.07.2015.

2. Through the said order dated 11.07.2015, the 2nd respondent refused to renew the gun license to the petitioner on the reason that the petitioner is already holding another gun license.

3. When an appeal is preferred before the 1st respondent against the order of the 2nd respondent in refusing to renew the gun license on the reasons stated supra, the 1st respondent

passed the impugned order by confirming the proceedings of the 2nd respondent however on a different reason that the petitioner is 71 years old and hence, he is not eligible to hold Arms license as per the Rule 25 of Arms Rules, 2016.

4. Perusal of the Arms Act or the Rules made thereunder, nowhere indicate that there is an upper age restriction filed for holding a gun license. As this Court finds that the Appellate Authority has not considered the appeal going by the reasons stated by the 2nd respondent for rejecting the renewal request, it is for him to consider the appeal filed by the petitioner afresh and pass orders on merits and accordance with law going by the provisions of the Arms Act and the Rules made thereunder.

5. Accordingly, this Writ Petition is allowed and the impugned order is set aside. Consequently, the matter is remitted back to the 1st respondent to pass fresh orders on the appeal filed by the petitioner on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Deputy Registrar

//True copy//

Sub Assistant Registrar

gsi/vsi

To

1.The Principal Secretary to Government,
Home (POL-XIII) Department,
Secretariat,
Chennai - 600 009.

2.The Commissioner of Police,
Tirunelveli City Police,
Tirunelveli - 627 007.

+1cc to Mr.C.Ramkumar, Advocate SR.No.11644

+1cc to Government Pleader SR.No.11826

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GMY(12/02/2019)