

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.6940 of 2019

ORDER:

Petitioner was granted Arms licence bearing No.1331/Karimnagar/2009 valid up to 14.12.2018. He applied for renewal of licence to the Commissioner of Police, Karimnagar, 2nd respondent herein. The said application was considered and rejected vide order dated 09.03.2019 by the second respondent by assigning reasons in support of his decision. Questioning the same, the present Writ Petition is filed.

2. Learned counsel for the petitioner submits that the reasons assigned are not valid having regard to the provision contained in Section 14 of the Arms Act, 1959 (for short 'Arms Act'), and therefore on that ground the impugned order is liable to be set aside. Since no valid reasons are assigned, the petitioner need not be compelled to avail the remedy of appeal.

3. Whereas, the learned Government Pleader submits that the petitioner has an effective and efficacious remedy in the form of appeal under Section 18 of the Arms Act and without exhausting the remedy of appeal, he cannot invoke the jurisdiction of this Court.

4. The impugned decision is made under Section 14 of the Arms Act refusing to renew the licence for further period. Against any decision made by the competent authority, the remedy of appeal is provided under Section 18 of the Arms Act.

5. Learned counsel for the petitioner sought to contend that the order impugned has not assigned any reasons as required by

Section 14 of the Arms Act and therefore the same is liable to be set aside.

6. It is seen that in support of the decision refusing to grant renewal of licence, the second respondent has assigned two reasons. It cannot be said that the impugned order is not a speaking order. If these two reasons are not validly assigned and the decision made by the second respondent is not in proper exercise of power under Section 14 of the Arms Act, the same can be agitated in an appeal provided under Section 18 of the Arms Act. Even without exhausting the remedy of appeal, the petitioner filed this writ petition. The appellate authority can go into all these aspects including the validity of the reasons assigned by the second respondent in support of his decision and the requirement of valid decision under Section 14 of the Arms Act.

7. Since the petitioner has an effective and efficacious remedy of appeal, this Court is not inclined to interfere with the order impugned in the writ petition. Granting liberty to the petitioner to prefer an appeal, the Writ Petition is dismissed. Since the claim of the petitioner is only with reference to renewal of arms licence, if any appeal is filed by the petitioner within two weeks from today, the appellate authority may consider and pass appropriate orders thereon within a period of four weeks therefrom.

8. Miscellaneous Petitions pending in this writ petition, if any, shall stand closed. There shall be no order as to costs.

P.NAVEEN RAO, J

2nd April, 2019.

Note : Issue C.C. in three days.
B/o. sur