

THE HONOURABLE SRI JUSTICE P. KESHA VA RAO

WRIT PETITION No.27169 of 2011

ORDER:

Heard learned counsel for the petitioner as well as learned Government Pleader appearing for respondent Nos.1 to 4.

2. The prayer sought in the writ petition is as under:-

“... to issue a Writ of Mandamus or any other appropriate writ, order or direction declaring the action of the 2nd respondent in passing an order dt.9.6.2011 as illegal, arbitrary and contrary to the provisions of the Arms Act, 1959 and the Rules made thereunder and consequently set aside the same and direct the 3rd respondent to renew the said Arms Licence No.297/Bowenpally (Original licence Book No.108/2004 No.HN/A2/Arms/3963/MLY/2008) in favour of the petitioner and release the 32 caliber NBP Pistol, Body No.2311/2008 which was seized by the 4th respondent to the petitioner and pass such other order or orders as the Hon’ble Court deems fit and proper in the circumstances of the case.”

3. The impugned order in the present writ petition is appealable under Rule 105 of the Arms Rules, 2016.

4. In the case on hand, the impugned proceedings are issued by the Commissioner of Police, Hyderabad, canceling the Arms Licence No.297/Bowenpally issued in favour of the petitioner for involving in two crimes, against which an appeal lies as stated supra.

5. Unless and until the petitioner comes within the exceptions carried out for invoking Article 226 of the Constitution of India, the

present writ petition is not maintainable. On that ground itself, the present writ petition is liable to be dismissed.

6. Accordingly, the writ petition is dismissed. However, liberty is given to the petitioner to pursue the appellate remedy available to him, as per the law.

Miscellaneous petitions pending, if any, shall stand dismissed.

No costs.

5th October 2019

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P. KESHAHA RAO, J

