

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.10039 of 2020
(Heard Through VC)

P.Shankar

.. Petitioner

Vs.

1. The District Collector,
Kanchipuram District,
Kanchipuram.
2. The Superintendent of Police,
Kanchipuram District, Kanchipuram.
3. The Tahsildar,
Sriperumpudur Taluk,
Kanchipuram District.
4. The Revenue Inspector,
Padappai Revenue Division,
Sriperumpudur Taluk,
Kanchipuram District.
5. The Inspector of Police,
Manimangalam Police Station,
Kanchipuram District

.. Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first respondent to grant Gun licence to the petitioner based on the report of the fourth respondent dated 18.01.2018 in U.Mu.No.29/2018 and the report of the 5th respondent dated 28.09.2018 forthwith.

For Petitioner : Mr.G.Prabakaran

For Respondents: Mr.V.Shanmugasundar,
Spl.Govt.Pleader

ORDER

The Writ Petition is filed seeking a mandamus to direct the respondents to grant Gun licence to the petitioner based on the report of the fourth respondent dated 18.01.2018 in U.Mu.No.29/2018 and the report of the fifth respondent dated 28.09.2018 forthwith.

2. It is the case of the petitioner that he is carrying on the business of stone quarry and also running a crushing unit in the name and style of "Srinivasa Blue Metals". For the purpose of effective implementation and development of the business, the petitioner need to travel even during the night hours with huge amount of cash and other relevant materials frequently. Hence, the petitioner made an application to the first respondent seeking to issue Gun licence for his safety and security. On receipt of the said application, the first respondent sent a communication dated 23.09.2017 in Na.Ka.No.18694/M4 to the second respondent and the Revenue Divisional Officer, Kanchipuram, directing them to enquire into the matter as to whether any criminal case is pending against him and issue the Gun licence and to forward the report. Based on the direction issued by the first respondent, the fourth respondent recorded the statement of the petitioner, the Villagers of Erumaiyur and the Village Administrative Officer, Erumaiyur and also sent a report on 18.01.2018 in U.Mu.No.29 of 2018 to the third respondent stating that there is no objection for grant of Gun licence to the petitioner. Subsequently, the fifth respondent has also conducted an enquiry in this regard and sent a report dated 28.09.2018, vide Ref.No.C.No.67/SDO-SPR/2017 stating that there is no criminal case pending against the petitioner and that he has no objection for grant of Gun licence to him. Despite of receipt of the reports from all the authorities, the first respondent has not passed any orders on the application of the petitioner to grant Gun licence till now. Therefore, the petitioner is before this Court.

3. Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

4. Considering the facts and circumstances of the case and the submissions made on either side, this Court, without expressing any opinion on the merits of the case, directs the first respondent to consider the application of the petitioner, in the light of the reports filed by the respondents 4 and 5 dated 18.01.2018 and 28.09.2018 respectively, enquire into the same and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and the persons

interested in this regard and by affording them an opportunity of personal hearing or virtual hearing and after verifying the relevant documents, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

srn

To

1. The District Collector,
Kanchipuram District,
Kanchipuram.
2. The Superintendent of Police,
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Kanchipuram.
3. The Tahsildar,
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Kanchipuram District.
4. The Revenue Inspector,
Padappai Revenue Division,
Sriperumpudur Taluk,
Kanchipuram District.
5. The Inspector of Police,
Manimangalam Police Station,
Kanchipuram District.

+1cc to Mr.G.Prabakaran, Advocate, S.R.No.34333

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MP(CO)
CS/10/11/2020