

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.16161 of 2020
(Heard Through VC)

Dhana.Vimal

..Petitioner

Vs.

1. The Secretary to Government,
Home (Police-13) Department,
Fort St.George, Chennai 600 009.
2. The Special Principal Secretary Cum
Commissioner for Revenue Administration,
Chepauk, Chennai - 5.
3. The District Collector /
District Executive Magistrate,
Pudukottai

..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 dispose of the Statutory Appeal filed by the petitioner on 14.10.2019 within a stipulated time .

* * *

For Petitioner : Ms.Hemalatha
for Mr.C.Prakasam

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

ORDER

With the consent of the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents, this writ petition is taken up for final hearing.

2. The Writ Petition is filed seeking a mandamus to direct the first respondent to dispose of the Statutory Appeal filed by the petitioner on 14.10.2019 within a stipulated time.

3. It is the case of the petitioner that he owns an agricultural land and for his personal safety and security, he applied for gun licence before the third respondent-District Collector. After recommendation of the Police Department and other officials, the third respondent issued a gun licence to the petitioner, which is valid upto 31.12.2020. Due to previous enmity, one Suresh, who is the adjacent land owner, has lodged a false complaint before the Inspector of Police, Keeramangalam to cancel the gun licence issued in favour of the petitioner. In this regard, the Police sent a report to the third respondent, who in turn, without issuing any notice and without conducting any enquiry, had cancelled the gun licence. Aggrieved by the same, the petitioner approached the second respondent and preferred an appeal on 14.10.2019. While so, the second respondent issued a communication to the petitioner on 24.10.2019, informing that his appeal papers were sent to the first respondent, since he is the competent authority to deal with the matter. Thereafter, the petitioner approached the first respondent in person and made a request to dispose of his appeal, but till today, the appeal has not yet been disposed of. Hence, the petitioner has filed this Writ Petition seeking for the relief stated supra.

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

5. 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 dispose of the appeal dated 14.10.2019, if not already disposed of, by conducting an enquiry 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, within a period of six weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar

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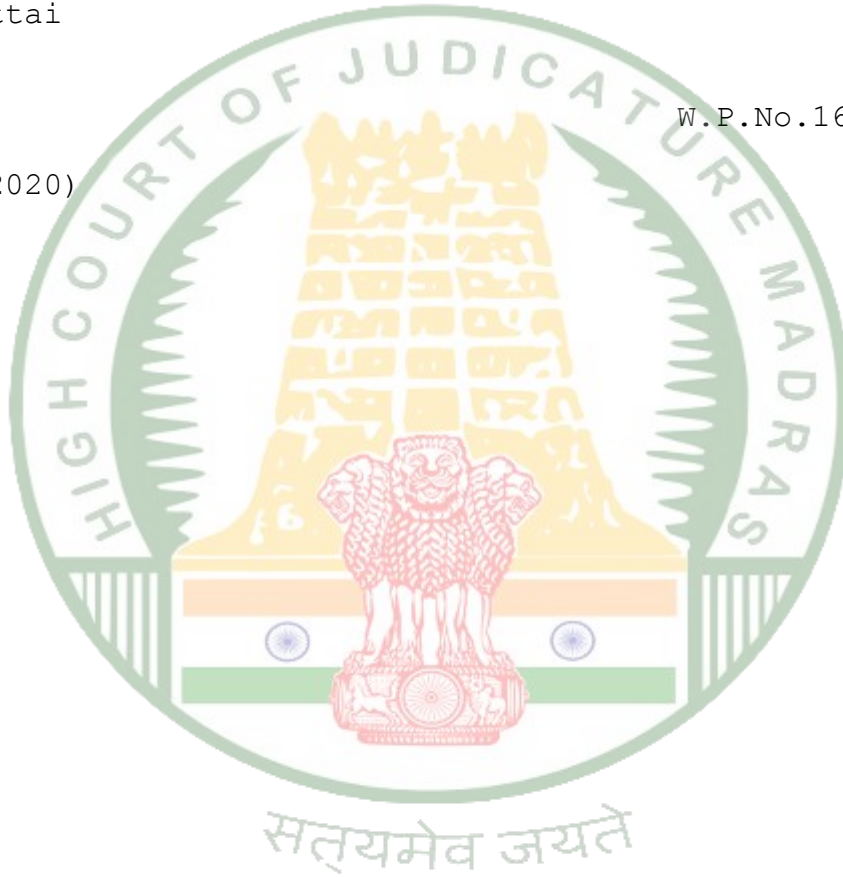
Sub Assistant Registrar

To

1. The Secretary to Government,
Home (Police-13) Department,
Fort St.George, Chennai 600 009.
2. The Special Principal Secretary Cum
Commissioner for Revenue Administration,
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3. The District Collector /
District Executive Magistrate,
Pudukottai

W.P.No.16161 of 2020

CA(CO)
RV(18/12/2020)



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