

HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION NO.24409 OF 2019

ORDER:

The present writ petition is filed to declare the impugned order of rejection of renewal of arms license passed by the second respondent vide proceedings in Rc.No.2925/M3-GL/2019, dated 15.10.2019 as illegal, arbitrary and violative of Article 21 of the Constitution of India and also contrary to sub-Section 3 of Section 14 of the Arms Act, 1959.

2. Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Home for the respondents.

3. Without going into the merits of the case, it is seen that the impugned order passed by the second respondent is bereft of reasons and does not indicate independent exercise of mind by the second respondent with regard to renewal of arms license sought for by the petitioner. Further, the impugned rejection order is passed basing on the report of the third respondent.

4. This Court in similar circumstances in the case of *KOLAN NARASIMHA REDDY v. STATE OF ANDHRA PRADESH*¹ held that non-consideration of the request of the petitioner for grant of arms license by the licensing authority independently is opposed to and not in conformity with the mandatory provisions of law and as such the said action cannot be sustained.

5. Since the impugned order passed by the second respondent does not indicate any reasons by the said authority independent of the reasons

¹ 2016 (2) ALD (CRL.) 1004

given by the third respondent, this Court is of the view that the said order cannot be sustained. Accordingly, the impugned proceeding in Rc.No.2925/M3-GL/2019, dated 15.10.2019 passed by the second respondent is set aside and the matter is remitted back to the second respondent authority to consider the application of the petitioner afresh and decide the same in accordance with law by giving reasons therein.

6. Accordingly, the writ petition is allowed. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE T.VINOD KUMAR

Date:22.01.2020
grk

