

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :11.03.2021

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.NO.2095 OF 2020

&

WMP.NO.4418 OF 2020

K.S.Mohamed Rafic

... Petitioner

Vs

1. The District Collector,
Nagapattinam District,
Nagapattinam.

2. The District Revenue Officer,
Nagapattinam District,
Nagapattinam.

3. The Superintendent of Police,
Nagapattinam District,
Nagapattinam.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorari, calling for the records of the 1st respondent in his proceedings dated 04.03.2019 in Mu.Mu.No.695/2019/C4 and quash the same.

For petitioner ... Ms.Mahamandra Rajalakshmi

For Respondents ... Mr.K.Parameshwaran,
Government Advocate

ORDER

This Writ Petition has been filed challenging the order dated 04.03.2019 passed by the first respondent rejecting the petitioner's application seeking for renewal of his pistol licence on the ground that certain FIRs have been registered against the petitioner under various crime numbers.

2. The petitioner has challenged the impugned order on the ground of violation of principles of natural justice. The petitioner has filed before this court the Action drop reports

dated 14.07.2017 filed by the Inspector of Police, Vedharanyam by which some of the FIRs registered against the petitioner have been dropped. According to the petitioner, without affording any hearing to the petitioner, the impugned order has been passed rejecting the petitioner's application seeking for renewal of his pistol licence.

3. Heard Ms.Mahamandra Rajalakshmi, learned counsel for the petitioner and Mr.K.Parameshwaran, learned Government Advocate for the respondents.

4. This Court has perused and examined the impugned order. As seen from the impugned order, none of the documents which have been placed before this Court by the petitioner including the action drop reports dated 14.07.2017 filed by the Inspector of Police, Vedharanyam, action drop report orders dated 31.08.2017 passed by the Judicial Magistrate, Vedharanyam as well as other documents filed along with the typed set of papers have been considered by the first respondent in the impugned order. As seen from the impugned order dated 04.03.2019, there is also no reference to any notice having been sent to the petitioner by the respondents in the enquiry proceedings.

5. The petitioner has contended before this Court that no notice was issued by the first respondent prior to the passing of the impugned order rejecting the petitioner's application seeking for renewal of his pistol licence under the Indian Arms Act.

6. For the foregoing reasons, this Court is of the considered view that principles of natural justice has been violated by the first respondent while passing the impugned order dated 04.03.2019 rejecting the petitioner's application seeking for renewal of his pistol licence. Hence, the impugned order dated 04.03.2019 passed by the first respondent has to be necessarily quashed and the matter remanded back to the first respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioner.

7. In the result, the impugned order dated 04.03.2019 passed by the first respondent is hereby quashed and the matter is remanded back to the first respondent for fresh consideration and the first respondent shall pass final orders on the petitioner's application seeking for renewal of his pistol license on merits and in accordance with law after affording a fair hearing to the petitioner within a period of twelve weeks from the date of receipt of a copy of this Order.

8. With the aforesaid direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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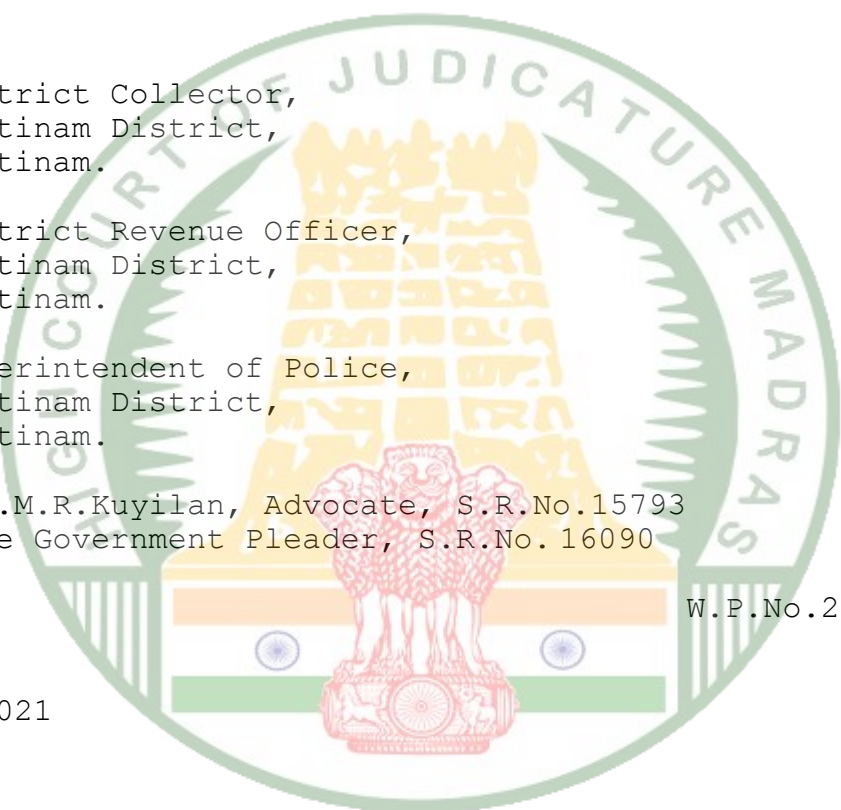
To

1. The District Collector,
Nagapattinam District,
Nagapattinam.
2. The District Revenue Officer,
Nagapattinam District,
Nagapattinam.
3. The Superintendent of Police,
Nagapattinam District,
Nagapattinam.

+1cc to Mr.M.R.Kuyilan, Advocate, S.R.No.15793
+1cc to the Government Pleader, S.R.No.16090

W.P.No.2095 of 2020

RSV(CO)
CS/29/03/2021

The seal of the Madras High Court is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. Below the gopuram is a red elephant capital. The entire emblem is set against a background of horizontal stripes (orange, white, green) with a red border. The words 'HONORABLE JUDICATURE MADRAS' are written in a circular path around the central emblem. At the bottom, the Sanskrit motto 'सत्यमेव जयते' (Satyameva Jayate) is inscribed in Devanagari script.

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