



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2021
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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.19263 of 2013

S. Jeevanantham

...Petitioner

-vs-

1. The State represented by its
The Additional Chief Secretary,
Commissioner of Revenue Administration &
Disaster Management and Litigation Department,
Ezhilagam,
Chennai - 600 108.
2. The District Collector,
Coimbatore District,
Coimbatore.
3. The Additional District Magistrate/
District Revenue Officer,
Railway Station Road,
Coimbatore - 641 018.
4. The Superintendent of Police,
Railway Station Road,
Coimbatore - 641 018.

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records with respect to the first respondent's proceedings in Order RA.5(2)/54904/2012 (AA.No.56/12) dated 26.03.2013 and quash the same and direct the third respondent to grant Gun Licence to the Petitioner with respect to the Arm ABBL 12 Bore Gun No.60300A.

For Petitioner :	Mr.V.Sivakumar
For Respondents:	Mr.K.M.D.Muhilan Government Advocate

O R D E R
(Through video conferencing)

The order of rejection, rejecting permission to grant Gun licence in proceedings dated 26.03.2013, is under challenge in the present writ petition.



2.The petitioner claims that he was in possession of a SBBL 12 Bore Gun No.60300 under Licence No.57/94 CBE (N) from the year 1994. During the year 2007, the petitioner was physically ill and unable to maintain the said arm and he applied for cancellation of licence on health grounds and accordingly, an order of cancellation was passed by the competent authority in proceedings dated 03.08.2007. The petitioner states that he is the Managing Director of two distinct companies. More than 1000 employees are working. He has to remit cash or instruments running to several lakhs with the Bank and therefore, he needs self protection and therefore, he submitted an application for Gun licence on 30.06.2010. The said application was rejected by the competent authority. Thus, the petitioner is constrained to move the present writ petition.

3.The learned counsel appearing on behalf of the petitioner mainly contended that the petitioner is the Managing Director of two companies and further, owns a vast extent of agricultural land. Thus, the petitioner requires Gun Licence for his protection. The petitioner submitted the application along with all necessary documents. Despite the fact that the petitioner is eligible for Gun licence, it was rejected without any valid reason.

4.The learned Government Advocate, appearing on behalf of the respondents, made a submission that the application submitted by the petitioner was scrutinized with reference to the requirements for grant of licence to possess Gun. The authorities have considered various aspects and rejected the same on the ground that the conduct of the petitioner on earlier occasions was not satisfactory, as he had failed to surrender the Gun when he was not in India and further, the authorities reviewed the current situation and accordingly, formed an opinion that the grant of Gun licence in favour of the petitioner became unnecessary. Further, the petitioner himself filed an application for cancellation of Gun Licence on health grounds. The health grounds were accepted and the Gun Licence was cancelled. While so, again granting Gun licence would not arise at all.

5.It is relevant to extract Para Nos.2, 7 and 10 of the counter affidavit of the respondent :

"2.I submit that the petitioner Thiru S. Jeevanantham had applied for gun licence to possess DBBL gun before the 3rd respondent i.e., the Licensing Authority. The third respondent herein called for reports from the 4th respondent and Tahsildar, Coimbatore (North) and the reports were obtained. The 4th respondent vide his report has stated that there



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is no adverse remarks against the petitioner and the reasons mentioned by the petitioner for possession of gun is not adequate. Hence he had not recommended for issue of gun licence to the petitioner. The Tahsildar, Coimbatore (North) has reported that the petitioner is the Managing Director of Sakthi Auto Ancillary Pvt. Ltd., and he owns 15 acres of land and farm house at the foot hills of Neelampatty at Tholampalayam village and stay there occasionally and for self protection, he applied for gun licence. But, the petitioner has not submitted any evidences regarding his land and farm house. Further the Arms licence No.51/94/CBE(N) issued earlier to the petitioner was cancelled by the District Revenue Officer / Additional District Magistrate, Coimbatore due to his health condition on 03.08.2007. Hence, the Tahsildar, Coimbatore (North) has not recommended for granting of gun licence to the petitioner. The, then 3rd respondent i.e., the licencing authority had enquired the petitioner personally on 14.09.2012. The reports of the 4th respondent and Tahsildar, Coimbatore (North) were also considered. Hence, the then 3rd respondent, rejected the application for issue of gun license stating that the petitioner's gun licence issued earlier was cancelled on his request citing health reasons and his inability to maintain the same and the reasons mentioned now, by the petitioner, for possession of gun was not enough.

...

7.I submit that the averments of the petitioner in para 3 & 4 of the affidavit are not correct. The petitioner did not submit any proof regarding his two companies and his financial transactions. Since several facilities for fund transfer are available nowadays, there is no compelling necessity for the writ petitioner to carry huge sum of money. Also he did not submit any proof for his holding of immovable properties in Tholampalayam Village and he also does not produced any evidence for damaging of his crops by wild animals. Moreover writ petitioner is not living in the said village and he has stated in the affidavit that he is residing at No.P/20, Srivatsha Gardens, Mettupalayam Road, Coimbatore. Further the petitioner himself applied for cancellation of his earlier gun licensee on health grounds and inability to maintain the same. Now he is seeking a new gun licence. This contradicts the reason for the claim of the applicant.

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10.I submit that the contentions of the petitioner in para 8 of the affidavit are not correct. The petitioner himself has stated in his appeal petition that he was earlier in possession of gun license 51/94/CBE(N). He used to travel to foreign countries regularly for business purpose and hence he was not able to maintain the gun properly. Therefore, by furnishing a false reason that his health condition was not good, he applied for cancellation of his gun licence No. 51/94/CBE(N) presuming that he can obtain a new licence later. Later, his application for a new gun licence was rejected by the 3rd respondent and the Appellate authority and 1st respondent also rejected his appeal petition on the grounds that while holding licence No.51/94/CBE(N) he has failed to deposit the arm either at the Police Station or in the Armoury while he went abroad. His license was cancelled by misrepresenting the fact as if he was not well. In such circumstances, the appellate authority rejected his appeal for misrepresentation of facts and also being devoid of merits."

6.The reasons stated for rejection of Gun licence are certainly convincing. The authorities are expected to be more cautious while considering the application for grant of Gun licence. The consequences necessitating and other factors prevailing in that locality are to be taken into consideration while scrutinizing the application for the purpose of granting Gun licence. In the present case, the petitioner himself surrendered the Gun licence on the earlier occasion on health grounds and therefore, reconsidering a fresh application may not be proper and therefore, the order of rejection is in accordance with law and there is no infirmity.

Thus, the writ petition fails and stands dismissed. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

mkn/sp



To

1.The Additional Chief Secretary,
Commissioner of Revenue Administration &
Disaster Management and Litigation Department,
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Railway Station Road,
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+1 CC to Mr.V.Sivakumar, Advocate sr 54388
+1 CC to The Government Pleader sr 55114.

W.P.No.19263 of 2013

NK(CO)
SP(11/11/2021)