



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. No. 23250 of 2013

K. Somasundaram

..Petitioner

Versus

1. Special Commissioner-cum-

Revenue Administrative Commissioner,
Chepauk, Chennai - 600 005.

2. The District Revenue Officer,
Coimbatore District,
Coimbatore.

..Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent, dated 19.02.2013 vide No.RA.5(2) 90533/2009 and quash the same, consequently direct the second respondent to grant license to the petitioner to use the Gun for his safety measure.

For Petitioner : Mr. M.N. Balakrishnan

For Respondents : Mr. G. Krishnaraja,
Government Counsel

O R D E R

This Writ Petition is filed to quash the proceedings dated 19.02.2013 vide No.RA.5(2) 90533/2009 of the first respondent and for a consequential direction to the second respondent to grant license to the petitioner to use the Gun for his safety.

2. The petitioner submitted an application dated 19.12.2008 to the second respondent requesting him to permit him to possess DBBL gun for his protection. On the basis of such an application, a report was sought for from the Superintendent of Police, Coimbatore as well as the Tahsildar, Pollachi. Accordingly, a report dated 08.06.2009 of the Superintendent of Police, Coimbatore was received in which it was stated that the petitioner is residing in a place where there is no threat to his life and property. Therefore, on the basis of such reports, the first respondent passed the order dated 19.02.2013 rejecting the application submitted by the petitioner. Challenging the



same, this writ petition is filed by the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner has got 20 acres of agricultural lands and coconut trees and the petitioner used to carry huge amount for his business purpose. It is in those circumstances, for his personal safety, the petitioner has submitted the application seeking to issue gun licence. It is also stated that the petitioner's house is situated in a remote area surrounded by mountains and vast agricultural lands and it is prone to anti-social elements. In fact, the Tahsildar, Pollachi has issued a No Objection Certificate to the petitioner, however, without considering the same, the first respondent has passed the order of rejection.

4. On the other hand, the learned Government Counsel appearing for the respondents submitted that the Superintendent of Police submitted a report stating that there is no justifiable reasons assigned by the petitioner to possess a gun. There is no life threat or any other incident quoted by the petitioner warranting issuance of a gun licence. The learned Government Counsel also relied on the counter affidavit of the second respondent wherein it is stated that the petitioner is living in a safe place and there is no threat to his life. It is also stated that the petitioner is not accustomed or possess adequate training to handle a gun. The learned Government Counsel therefore prayed for dismissal of the writ petition.

5. When this writ petition is taken up for hearing today, the learned counsel for the petitioner submits that the petitioner may be given liberty to approach the authority concerned with a fresh representation indicating the need to issue a licence to the petitioner.

6. In view of the above submission of the counsel for the petitioner, the petitioner is given liberty to approach the authority concerned with a fresh representation. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vum/rsh



To

1. Special Commissioner-cum-
Revenue Administrative Commissioner,
Chepauk, Chennai - 600 005.

2. The District Revenue Officer,
Coimbatore District,
Coimbatore.

+1cc to M/s.M.N.Balakrishnan, Advocate, S.R.No.42784

+1cc to the Government Pleader, S.R.No.43074

WP No.23250 of 2013

KSM(CO)
RGA(01/10/2021)