



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2021
CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No. 14851 of 2021

A. Gokulnath

...Petitioner

Versus

1. The Commissioner of Police cum
Additional District Magistrate,
Salem City,
Salem - 636 003.

2. The District Revenue Officer,
Salem.

3. The Assistant Forest Officer,
Vazhapadi Forest Range,
Salem District.

4. The Inspector of Police,
Veeranam Police Station,
Salem District.

...Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the first respondent to conduct an enquiry by providing an opportunity of hearing to the petitioner for returning the Double Barrel Gun No. 37338/1996 having a License No. C4/04/2016 by considering the explanation given by the petitioner, dated 19.10.2020 for the show cause notice dated 30.09.2020 issued by the first respondent.

For Petitioner	:	Mr. K. Sathish Kumar
For Respondents	:	Mr. Stalin Abhimanyu, Government Counsel

O R D E R

The prayer made in this writ petition is to issue a Writ of Mandamus directing the first respondent to conduct an enquiry, afford an opportunity of hearing to the petitioner for returning the Double Barrel Gun No. 37338/1996 having a License No. C4/04/2016 by considering his explanation dated 19.10.2020 submitted to the show cause notice dated 30.09.2020 issued by the first respondent.



2. According to the petitioner, on 23.02.2013, he applied for issuing a licence to possess Double Barrel Gun before the second respondent. After scrutiny of his application, a license was issued and the same was periodically renewed and extended till 31.12.2021. According to the petitioner, on 24.07.2020, while he was doing motor repair work in the land belonged to one Kumar, he left the gun there. While so, the third respondent along with his staff came to the premises and taken possession of the gun. Subsequently, on enquiry, they approached the petitioner to produce his licence to hold and possess the gun, which the petitioner produced. However, the third respondent refused to return the gun to the petitioner. On the next day, the petitioner approached the third respondent and paid a fine amount of Rs.20,000/- as a condition precedent for getting back the gun. Thereafter, the gun was returned to the petitioner. While so, on 09.10.2020, the fourth respondent visited the premises of the petitioner and re-possessed the gun without any basis. Thereafter, the first respondent issued a show cause notice dated 30.09.2020 calling upon him to show cause as to why the licence issued to him be not suspended. Even though the petitioner submitted a reply on 19.10.2020 explaining the circumstances and sequences due to which he left the gun in the land of Mr. Kumar, so far, the first respondent did not pass any final order or returned the gun. In those circumstances, the petitioner has come up with this writ petition.

3. Upon notice, the first respondent filed a counter affidavit, wherein in paragraph 8, it is specifically averred as follows:

"8. It is submitted that the averments made in para 4 of the writ petition are not denied. The writ petitioner was issued with a show cause notice calling for his explanation as to why the license issued to him be cancelled since he has misused his weapon for hunting inside forest area. The show cause notice was served through the jurisdiction police station. Since the Gun was misused by the writ petitioner, the gun was got deposited in the jurisdiction police station to avoid further misuse and also due to Tamilnadu Assembly Elections 2021. It is the fact that the writ petitioner has submitted his explanation dated 19.10.2020 on which, appropriate orders will be issued at the earliest."

4. In view of the averments made in the counter affidavit filed by the first respondent, this court directs the first respondent to conduct an enquiry, consider the petitioner's explanation dated 19.10.2020 and pass appropriate orders on



merits and in accordance with law, after affording an opportunity of personal hearing to him, within a period of four weeks from the date of receipt of a copy of this order.

5. This Writ Petition is disposed of with the above direction.No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

av/rsh
To

1. The Commissioner of Police cum
Additional District Magistrate,
Salem City,
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Salem.
 3. The Assistant Forest Officer,
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Salem District.
 4. The Inspector of Police,
Veeranam Police Station,
Salem District.
- +1 CC to Mr.K. Sathish Kumar, Advocate sr 49564.

WP No.14851 of 2021

AKII(CO)
SP(20/10/2021)