



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.26013 of 2021

and

W.M.P.No.27462 of 2021

E.Perumal

... Petitioner

Vs

V.

1. The State of Tamil Nadu,
Rep. by its Additional Chief Secretary/
Commissioner of Revenue Administration,
Ezhilagam, Chennai-600 005.
2. The District Magistrate and District Collector,
Kancheepuram District.
3. The Superintendent of Police,
Kancheepuram District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Order passed by the 2nd respondent in his proceedings in Na.Ka.18898/2016/M4 dated 28.09.2018 as confirmed by the 1st respondent in his proceedings in Proc.No.R.A.5(1)/7742/2021 dated 01.10.2021 and to quash the same and direct the respondents to renew the petitioner's revolver license bearing No.01/2013/KPM (Revolver).

For petitioner : Mr. S.Sathish Rajan

For Respondents : Mrs. C. Sangamithirai,
Special Government Pleader

ORDER

The present petition has been filed seeking quashment of the impugned order dated 28.09.2018 passed by the 2nd respondent herein, which was confirmed by the 1st respondent vide proceedings dated 01.10.2021.



2. Mrs. C. Sangamithirai, learned Special Government Pleader takes notice for respondents. In view of the expressed by the Learned counsel appearing for either side, this petition is taken up for final disposal.

3. The case of the petitioner is that he had applied for revolver license through application dated 20.10.2016 for self protection and self defense and the same was provided by the 2nd respondent after conducting enquiry and after obtaining the report from the 3rd respondent herein. While being so, the petitioner had applied for renewal of the said license vide application dated 20.10.2016 along with the representation dated 20.08.2018, but the same was rejected and his license was cancelled by the 3rd respondent taking note of the petitioner's name in the history sheet on the file of the B-3, Taluk, Police Station in Kancheepuram. Aggrieved by the same, the petitioner had preferred an Appeal before the 1st respondent. In the mean while, the petitioner had also filed a Writ Petition in W.P.No.17481 of 2019 before this Court for removal of his name from the history sheet and pursuant to the order dated 09.07.2019 passed in the Writ Petition, the petitioner's name was removed from the history sheet vide order dated 10.09.2020. Thereafter, the petitioner made a representation dated 05.12.2020 before the 1st respondent informing that his name was removed from the history sheet. Without considering the same, the 1st respondent had passed an impugned order dated 01.10.2021 rejecting the appeal filed by the petitioner. Left with no other remedy, the petitioner had filed the present petition seeking the above relief.

4. Learned counsel for the petitioner submits that the petitioner after obtaining the revolver license and thereafter he had applied for renewal of his licence and the same was rejected by the 2nd respondent herein through the impugned order citing that the petitioner is a history sheeted individual. Though his name was removed from the history sheet pursuant to the order of this Court, the 1st respondent had passed an impugned order confirming the order of the 2nd respondent herein. Since, the petitioner's life is under threat for his enemies, the petitioner is seeking for renewal of his revolver licence. Hence, the impugned orders under challenge are liable to be set-aside and a consequential direction may be given to the respondents to renew his revolver license.

5. Learned Special Government Pleader for respondents submit that though the name of the petitioner was removed from the history sheet, as per the report obtained from the 3rd respondent herein, there are seven cases pending against the petitioner, which cases were registered against the petitioner



for heinous offences. Therefore, permitting the petitioner to use the revolver by renewing his license would not be in the interest of the society. Therefore, considering the welfare of the society, the prayer sought for in the present petition may be rejected.

6. Learned counsel for the petitioner, in reply to the contentions, of the learned Spl. Government Pleader submits that though there were seven cases pending against the petitioner, however in five cases, he has been acquitted and there are only two cases pending against the petitioner. Taking into consideration, the plea of the petitioner that his life is in danger at the hands of unscrupulous elements, the license for revolver may be granted to him.

7. Heard the learned counsel on the either side and perused the materials available on record.

8. It is seen from the materials placed before this Court, that though initially the revolver license was granted to the petitioner, the petitioner's request for renewal of the said license was rejected by the respondents 2 & 3 on the ground that there are previous cases pending against the petitioner and also due to the existence of the name of the petitioner in the history sheet.

9. True it is that the petitioner's name was removed from the history sheet in the light of the order passed by this Court, but, the fact remains that there are few cases pending against the petitioner and the charges levelled therein against the petitioner are for heinous offences. In such circumstances taking into consideration the interest of the society, this Court is of the considered view that it would not be in the interest of justice to grant the relief as sought for by the petitioner. For the reasons aforesaid, the impugned orders passed by the concerned respondents cannot be found fault with and this Court is not inclined to interfere with the impugned orders.

10. For the aforesaid reasons, this Writ Petition is dismissed. No Costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

NHS



To

WEB COPY

1. The Additional Chief Secretary/Commissioner of Revenue
The State of Tamil Nadu,
Administration,
Ezhilagam, Chennai-600 005.
2. The District Magistrate and District Collector,
Kancheepuram District.
3. The Superintendent of Police,
Kancheepuram District.

+1cc to Mr.S.Sathish Rajan, Advocate, S.R.No.64894

+1cc to the Government Pleader, S.R.No.65268

W.P.NO.26013 of 2021

PL(CO)
SU(08/02/2022)