



WEB COPY

WP(MD)No.25478 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2021

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD) No.25478 of 2018

and

W.M.P. (MD)No.23068 of 2018

M.Chandramohan

.. Petitioner

Vs.

1.Tamil Nadu Home Department rep. by
Additional Chief Secretary to Government,
St. George Fort, Chennai.

2.The District Collector,
Tirunelveli District.

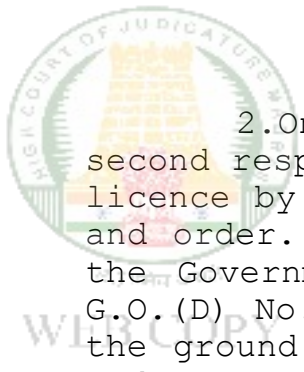
.. Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the documents pertaining to impugned order passed by the first respondent in G.O.(D) No.1272, dated 01.11.2018 by confirming the order passed by the second respondent vide Mu.Mu.E3/51213/2013, dated 30.07.2014 and may quash the same as illegal and may consequently direct the respondents to renew petitioner's DBBL Gun (Double Barrel Bridge Load) license No.67/207/SVG/07 within a time period.

For Petitioner	:	Mr.A.Balakrishnan
For Respondents	:	Mr.M.Jeyakumar Additional Government Pleader

ORDER

The case of the petitioner is that he has obtained a licence for holding a DBBL (Double Barrel Bridge Load) from the competent authority. His licence bearing No.67/207/SVG/07. However, in 2013 when the petitioner attempted to renew the licence for the DBBL (Double Barrel Bridge Load), the same was rejected by the second respondent Collector on 30.07.2014 on the ground that the Superintendent of Police had given an opinion against the renewal of licence for the reason that the petitioner and others involved in Criminal Case in S.C.No.127/2013 for various offences under Sections 148, 341, 307 of IPC, Section 3 r/w. 25 (1)(b)(a) of the Arms Act and 149 r/w. 307 r/w. 120(B) of IPC and also offences under SC/ST Act.



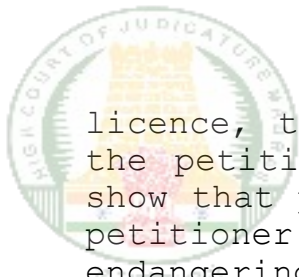
2. On the basis of the Superintendent of Police's report, the second respondent refused to renew the licence, as possession of the licence by the petitioner would seriously endanger the public peace and order. As against that, the petitioner submitted an appeal to the Government. The Government by its order dated 01.11.2018 in G.O.(D) No.1272, Home (Pol.XIII) Department, rejected the appeal on the ground that the second respondent had passed a well considered order on the face of the report of the Superintendent of Police concerned. Challenging the appeal order dated 01.11.2018, the petitioner is before this Court.

3. The learned Counsel appearing for the petitioner would submit that the petitioner has been having licence ever since it was issued to him in 2013. The petitioner, apart from his agricultural activity, is also carrying on some business. Due to his professional hazard, the petitioner has applied for the licence and obtained the same. However, citing some extraneous reason presently the authorities have refused to renew the licence. According to the learned Counsel for the petitioner, the criminal case initiated against the petitioner has ended in acquittal vide judgment dated 25.01.2016 and therefore, the same cannot be cited as legal impediment for renewing his licence.

4. After notice, Mr.M.Jeyakumar, learned Additional Government Pleader, entered appearance for the respondents and submitted that the fact that the petitioner was involved in various offences attracting sections of IPC including 307 etc., would disentitle the petitioner from having the DBBL (Double Barrel Bridge Load) licence renewed. The Superintendent of Police has correctly given a report stating that the renewal of the licence in favour of the petitioner would be against the public order and would also be endangering the society's peace and harmony. Therefore, the rejection of request for renewal of his licence is perfectly in order and the same does not call for interference of this Court.

5. Considered the submissions of the learned Counsels on either side and perused the materials placed on record.

6. As rightly contended by the learned Additional Government Pleader appearing for the respondents that when the petitioner has involved in serious offences attracting the provisions of IPC, he became disentitled for having DBBL (Double Barrel Bridge Load) licence renewed in his favour. Apart from that, nothing has been stated in the affidavit as to how the impugned orders are liable to be interfered on legal grounds. The affidavit is completely bereft of any legal grounds and it does not contain any worthwhile material pleadings or grounds in order to upset the impugned proceedings of the appellate authority. In fact, the appellate authority has considered the issue in detail and in the face of the clear report of the Superintendent of Police, not recommending for renewal of



licence, the authorities cannot act against such report and favour the petitioner with a renewal order. When there are materials to show that possession of the DBBL (Double Barrel Bridge Load) by the petitioner would cause disharmony and would also result in endangering public peace and order, it is right on the part of the respondents to reject the request of the petitioner for renewal of the licence and this Court does not find any infirmity in the order passed either by the original authority namely the second respondent or by the appellate authority viz., the first respondent.

7. Therefore, the Writ Petition is without any merits and hence, dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

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/ /2021

Sub Assistant Registrar(CS)

srm

To

1. The Additional Chief Secretary to Government,
St. George Fort, Chennai.

2. The District Collector,
Tirunelveli District.

+1 CC to Spl GP (SR-2358[F] dated 29/01/2021)

+1 CC to Mr.K.P.NARAYANA KUMAR, Advocate (SR-2667[F] dated
01/02/2021)

W.P. (MD) No. 25478 of 2018

27.01.2021

VB (18.02.2021) 3P 5C