

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

THURSDAY, THE TWENTY FOURTH DAY OF JUNE
TWO THOUSAND AND TWENTY ONE

PRESENT

THE HONOURABLE SRI JUSTICE K.LAKSHMAN

WRIT PETITION NO: 14184 OF 2021

Between:

M.Shyam Sunder Reddy, S/o.M.Ram Reddy, Aged about 48 years, Occ. Business,
H.No.1-12, Penjerla Village, Kothur Mandal, Ranga Reddy District.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Department of Home, Secretariat, Hyderabad.
2. The Commissioner of Police, Cyberabad.
3. The Station House Officer, Kothur Police Station, Cyberabad.
4. The Deputy Commissioner of Police, Shamshabad Zone, Shamshabad, Ranga Reddy District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, Order or Direction more particularly one in the nature of Writ of Mandamus to declare the action of the Respondent No.2 herein dated.21/05/2021 in Vide Proceedings No.A1/53/1171/Cyb/2017-2020 as being illegal, arbitrary and discriminatory and violation of Articles 14, 21 of the Constitution of India and Consequentially direct the Respondent No.2 herein to renewal the license of the petitioner herein

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the set aside the impugned order dated.21/05/2021 in Vide Proceedings No.A1/53/1171/Cyb/2017-2020

Counsel for the Petitioner : SRI V.RAGHUNATH

Counsel for the Respondents : SRI S.RAM MOHAN, AGP FOR HOME

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE K. LAKSHMAN

WRIT PETITION No.14184 OF 2021

ORDER:

This Writ Petition is filed challenging the order dt.21.05.2021 in proceedings No.A1/53/1171/Cyb/2017-2020 of the 2nd respondent.

2. Vide the impugned order, the 2nd respondent has cancelled the arms license of the petitioner herein and has directed the petitioner to sell his two weapons, which are specifically mentioned in the said order, within 45 days from the date of receipt of the said order.

3. Sri V.Raghunath, learned counsel for the petitioner would submit that the 2nd respondent has not considered the explanation submitted by the petitioner on 03.10.2020 to the show-cause notice dt.30.08.2020 and the crimes said to have been involved by the petitioner in the impugned order dt.21.05.2021 are much prior to the proceedings dt.16.05.2019 issued by the same 2nd respondent renewing the arms license of the petitioner. Therefore, the order dt.21.05.2021 is not a reasoned order.

4. On the other hand, Sri S.Ram Mohan, learned Assistant Government Pleader for Home, on instructions, would submit that 2nd respondent has followed the procedure laid down under

the Arms Act, 1959 by way of issuing show-cause notice dt.30.08.2020 and considered the explanation dt.03.10.2020 submitted by the petitioner herein. According to him, it is a reasoned order and there is no violation of principles of natural justice as alleged by the petitioner in passing the impugned order. He further submits that, if the petitioner is aggrieved by the said order, he has to file an appeal under Section 18 of the Arms Act, 1959, and instead of doing so he has filed the present Writ Petition.

5. A perusal of the impugned order would reveal that the 2nd respondent has issued a show-cause notice dt.30.08.2020 calling explanation from the petitioner. On receipt of the said show-cause notice, petitioner has submitted explanation dt.03.10.2020. The 2nd respondent has considered the explanation dt.03.10.2020 submitted by the petitioner in the impugned order. Thus, *prima facie*, there is no violation of principles of natural justice while passing the impugned order by the 2nd respondent and under Section 18 of the Arms Act, 1959, appeal lies against the order passed by the 2nd respondent. Therefore, petitioner has to avail the said remedy of filing appeal under Section 18 of the Act.

6. Sri V.Raghunath, learned counsel for the petitioner would submit that in the impugned order, the time prescribed for the sale of weapons is 45 days from the date of receipt of the order,

and therefore, he seeks a direction to the Appellate Authority to dispose of the appeal by fixing some time frame.

7. In view of the above, without expressing any opinion on the merits of the case, this Writ Petition is disposed of granting liberty to the petitioner to file appeal under Section 18 of the Arms Act, 1959 against the order dt.21.05.2021 in proceedings No.A1/53/1171/Cyb/2017-2020 of the 2nd respondent. Liberty is also granted to the petitioner to file an interim application seeking stay of the impugned order dt.21.05.2021. No order as to costs.

8. Miscellaneous petitions pending, if any, shall stand closed.

//TRUE COPY//

SD/- I.NAGALAKSHMI
ASSISTANT REGISTRAR

SECTION OFFICER

To

1. The Principal Secretary, Department of Home, State of Telangana, Secretariat, Hyderabad.
 2. The Commissioner of Police, Cyberabad.
 3. The Station House Officer, Kothur Police Station, Cyberabad.
 4. The Deputy Commissioner of Police, Shamshabad Zone, Shamshabad, Ranga Reddy District.
 5. One CC to Sri V.Raghunath, Advocate [OPUC]
 6. Two CCs to GP for Home, High Court for the State of Telangana at Hyderabad [OUT]
 7. Two CD Copies
 8. One Spare Copy
- Kj.

HIGH COURT

DATED:24/06/2021



ORDER

WP.No.14184 of 2021

DISPOSING OF THE WRIT PETITION
WITHOUT COSTS.

(10)

VW
29/6/21