



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.15659 of 2020

A.Raja

... Petitioner

Vs.

1. The Additional Chief Secretary to Government,
Home Department,
Secretariat, Fort St.George,
Chennai 600 009.

2. The Additional District Magistrate &
The District Revenue Officer,
Collectorate, Namakkal.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records in relation to the impugned order in GO (D) No.455 Home (Pol XIII Department dated 04.03.2020 passed by the 1st respondent rejecting the appeal filed by the petitioner seeking for renewal of gun licence quash the same with a consequential direction directing the second respondent to renew the gun licence of the petitioner bearing No. SBBL Gun Licence No. R.358/91.

For Petitioner : Mr.S.Senthil

For Respondents : Mr.P.Gurunathan
Additional Government Pleader

O R D E R

The petitioner has filed this petition seeking issuance of writ of Certiorarified Mandamus to call for the records in relation to the impugned order in GO (D) No.455 Home (Pol XIII Department dated 04.03.2020 passed by the 1st respondent and quash the same and further direct the second respondent to renew the gun licence of the petitioner.

2. The petitioner is a co-parcener in an agricultural land comprised in S.F.No.30/6 of Tho.Pachudaiyampalayam Village, Rasipuram Taluk, Namakkal District, measuring an extent of 5.21 acres as well as in S.F.No.28/2C of the said Village by virtue



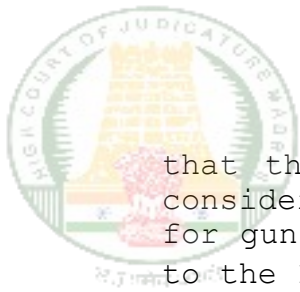
of a Release Deed executed by the petitioner's sister in his favour and in favour of his father. Since there was apprehension of threat to his life and property, he applied for gun license and the same was granted on 30.12.1998 in S.B.B.L.Gun License and subsequently it was periodically renewed once in a three years upto 31.12.2016 by the 2nd respondent. Thereafter, the petitioner submitted an application on 24.11.2016 for the renewal of the said gun license for a period of three years from 01.01.2017 to 31.12.2019 to the 2nd respondent and the said application was rejected by the 2nd respondent vide order dated 13.07.2017, on the ground that the petitioner does not own any property. Aggrieved by the said rejection order, the petitioner had preferred an appeal before the 1st respondent on 10.08.2017, however, the petitioner did not receive any response from the 1st respondent and hence, the petitioner has filed a Writ Petition in W.P. No.28236 of 2018 before this Court and this Court vide order dated 29.10.2018, directed the 1st respondent to dispose of the above appeal within a period of eight weeks. Accordingly, the 1st respondent passed the impugned order dated 04.03.2020, dismissing the petitioner's appeal. Aggrieved with the aforesaid impugned order passed by the 1st respondent, the petitioner has filed this Writ Petition.

3. The learned counsel appearing for the petitioner submitted that the petitioner has fulfilled all the statutory requirements for grant of renewal of the gun license in line with the periodical renewals made in the past years without any adverse remarks against the petitioner. While being so, the 1st respondent without appreciating the material facts has mechanically passed the impugned order vide G.O.(D).No.455, Home (Pol XIII) Department dated 04.03.2020, as if the petitioner made fresh application for gun license for the above said period, forgetting the fact that the petitioner has sought for renewal of license and hence the matter may be remanded back to the appropriate authority for fresh consideration.

4. The learned Additional Government Pleader appearing for the official respondents on instructions submitted that the 1st respondent has passed the order mistakently as if it was a fresh application for gun license. However, the fact remains that the application filed by the petitioner is renewal application and hence if the matter is remitted, it will be considered in the manner known to law.

5. This Court has carefully considered the rival submissions and also perused the materials placed before it.

6. In view of the consent expressed by the respective learned counsel appearing on either sides, as the learned Additional Government Pleader on instructions fairly conceded



that the impugned order has been passed mistakenly passed, by considering the petitioner's application as fresh application for gun license, this Court is inclined to remit the matter back to the 1st respondent for fresh consideration.

7. For the reasons aforesaid, this Writ Petition is allowed and the impugned order in G.O.(D).No.455, Home (Pol XIII) Department dated 04.03.2020 passed by the 1st respondent is set aside and the matter is remanded to the 1st respondent for fresh consideration and the 1st respondent shall pass appropriate orders on the petitioner's application for renewal of gun license within a period of twelve weeks from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

SK

To

1. The Additional Chief Secretary to Government,
Home Department,
Secretariat, Fort St.George,
Chennai 600 009.
2. The Additional District Magistrate &
The District Revenue Officer,
Collectorate, Namakkal.

+1cc to Mr.S.Senthil, Advocate, S.R.No.3353
+1cc to the Government Pleader, S.R.No.3403

W.P.No.15659 of 2020

(CO)
CT 28/02/2021