



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.NO.20668 OF 2021

T.S. Hariharan

...Petitioner

Vs

1.The District Magistrate / District Collector
Office of District Collector,
Coimbatore

2.The Revenue Divisional Officer,
Coimbatore South,
Coimbatore, Coimbatore District.

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of certiorarified Mandamus or any other writ or order, direction in the nature of writ calling for the records of the 1st respondent in Mu.Mu. 7280/2017/02 dated 18.10.2019 and quash the same and direct the 1st respondent to grant the fire arms licence to the petitioner and pass such other order or orders as may deem fit in the circumstances of the case.

For Petitioner : Mr.L.G.Sahadevan

For Respondents : Mr.B.Vijay
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the order of the first respondent dated 18.10.2019 rejecting the petitioner's application for Gun licence under the Arms Act.

2. The petitioner has challenged the impugned order only on the ground of violation of principles of natural justice. According to him, the first respondent has erred in relying upon the report of the Superintendent of Police dated 14.12.2017, which states that the petitioner's father was possessing a gun. However, according to the petitioner, his father died as early as 25.03.2018 itself, whereas, the impugned order came to be passed on 18.10.2019. It is also reiterated by the learned counsel for the petitioner and is also seen from the averments



contained in the affidavit filed in support of this Writ Petition that the petitioner apprehends threat to his life and only in those circumstances, a gun licence is required.

3. Admittedly, no opportunity of hearing has been granted to the petitioner under the impugned order. The contentions raised in this Writ Petition have also not been considered. Therefore, the impugned order is a non speaking order passed in violation of the principles of natural justice. Hence, the impugned order has to be necessarily quashed and the matter remanded back to the first respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioner including granting him the right of personal hearing. It is made clear that this Court is not expressing its views on the merits of the matter.

4. For the foregoing reasons, the impugned order dated 18.10.2019 passed by the first respondent is hereby quashed and the matter is remanded back to the first respondent for fresh consideration on merits and in accordance with law after affording a fair hearing to the petitioner including granting him the right of personal hearing. The first respondent is directed to pass final orders within a period of 12 weeks from the date of receipt of a copy of this order.

5. With the aforesaid directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

bga

To

1.The District Magistrate / District Collector
Office of District Collector,
Coimbatore.

2.The Revenue Divisional Officer,
Coimbatore South,
Coimbatore, Coimbatore District.

+1cc to Mr.L.G.Sahadevan, Advocate Sr.No.33182
+2ccs to the Government Pleader Sr.No.34197

W.P.No.20668 of 2021

PL(CO)
RVM(28/06/2022)