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W.P.(MD).No.10664 of 2010

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED ON : 08.08.2022

ORDER PRONOUNCED ON : 12.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.10664 of 2010

C.R.Manoharan

...Petitioner

Vs

1.The Special Commissioner and
Commissioner for Revenue Administration
Chepuk
Chennai -5

2.The District Revenue Officer/Additional
District Magistrate
Tirunelveli District
Tirunelveli – 9

....Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records from the first respondent relating to the impugned order passed by him in his proceedings in RA.5(1)/69702/2007 AA No.171/2007 dated 09.07.2010 quash the same and direct the respondents to issue Gun License to the petitioner for self protection.

For Petitioner

: Mr.K.Sathiya Singh

For Respondents

: Mr.N.Muthuvijayan
Special Government Pleader



W.P(MD).No.10664 of 2010

ORDER

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The present writ petition has been filed challenging an order passed by the first respondent herein under which the request of the writ petitioner for grant of Gun License has been rejected.

2. According to the petitioner, he had applied for a Gun License by an application dated 17.07.2006 before the second respondent herein. The said application has been filed on the ground that he is looking after the cultivation of a huge extent of agricultural lands situated near the foothills of Western Ghats inhabited with wild animals posing danger to the life of the writ petitioner. The petitioner had contended that he is a registered contractor of the Highways Department and carry out construction work for the Panchayat Union and hence, he requires protection for carrying of cash, currencies and valuable securities. For the said reason, he has sought D.B.B.L. Gun License from the second respondent herein.

3. According to the petitioner, his father is aged about 90 years and he is having a Gun License for more than 50 years and he has not misused or abused the same. The petitioner has further contended that he is assessed to income tax and he was also acquitted in a false criminal case foisted against



W.P(MD).No.10664 of 2010

him. The petitioner had further stated that he has not come under adverse notice of police at any point of time and his wife is employed as a teacher in a School.

4.The application submitted by the petitioner before the second respondent was rejected on 29.08.2007 on the ground that the Tirunelveli District is a communally hyper sensitive District and unless there is a compelling necessity, the request of the petitioner for Gun License cannot be granted. The second respondent has invoked Section 14(1)(b)(ii) of Arms Act 1959 to reject the request of the petitioner on the ground that it will hamper the security of the public peace and public safety. The said order of the second respondent was challenged by the writ petitioner before the first respondent herein. The first respondent by his order dated 09.07.2010 has confirmed the order passed by the second respondent herein and has dismissed the appeal filed by the writ petitioner. The said order is under challenge in the present writ petition.

5.The learned counsel for the petitioner had contended that the only criminal case that was foisted against him has already ended in acquittal. The petitioner is a contractor and he requires a Gun License for his personal safety while carrying cash. He had further contended that he wants to protect



W.P(MD).No.10664 of 2010

himself from attack of the wild animals which are located nearby his agricultural lands. The learned counsel had relied upon a judgment of this Court *in W.P.No.215 of 2011 dated 14.02.2011 (K.Jeyasingh Vs. The Principal Secretary/Commissioner of Revenue Administration, Ezhilagam, Chennai-05 and another)* to contend that in the said case, the order of the first respondent herein was set aside and the matter was remitted back to the file of the first respondent herein for not properly appreciating the facts.

6.The learned counsel for the petitioner had further contended that in the present case also the first respondent has not independently analysed or considered the submissions made on the side of the writ petitioner, but has rejected the application by simply confirming the order passed by the second respondent herein. Hence, he prayed for allowing the writ petition.

7.Per contra, the learned counsel for the respondents had contended that the District of Tirunelveli is communally hyper sensitive District. Unless the some compelling reasons are there, the question of granting any Gun License would not arise. Increasing the number of guns in the said District would hamper the security and safety of the general public of the said locality. Only after considering the public peace and harmony, the impugned order has been passed by the first respondent herein confirming the order of the second respondent. Hence, he prayed for dismissal of the writ petition.



W.P(MD).No.10664 of 2010

8.I have considered the submissions made on either side and perused the materials available on record.

9.The petitioner's father is already having D.B.B.L. Gun License and the petitioner is also residing with his father. The main contention of the petitioner is that he has to protect himself from wild animals which are roaming around in the reserve forest adjacent to his agricultural property. The petitioner has further contended that he has to protect his life and valuables which he used to carry being a contractor of the Panchayat Union.

10.The submissions made on the side of the writ petitioner will clearly disclose that the gun license is being sought for to be used as against the wild animals. There is no proof or record whatsoever that the petitioner had faced any threat to his life or valuable which he is alleged to be carrying as registered contractor of the Panchayat Union.

11.The respondent authorities have taken into consideration the fact that the district concerned is a communally hyper sensitive District and have arrived at a finding that increasing number of gun licenses in the said locality would not be in public interest. The authorities have also relied upon Section 14(1)(b)(ii) of Arms Act, 1959 which empowers the authorities to reject the request for a gun license on the ground of being a threat to public peace or public safety. The petitioner is not able to point out any ground which would



W.P(MD).No.10664 of 2010

nullify the subjective opinion arrived at by the statutory authorities. The statutory authorities have further found that there is no compelling necessity for the writ petitioner to have a gun license.

12.As far as the issue of granting gun license is concerned, a citizen cannot seek for the said license as a matter of right, unless he is able to project compelling circumstances for holding the said license. Even assuming that there is some threat to his life and property, the same should always be left to the concerned authorities for being safeguard. Unless the petitioner projects a case where the police authorities will not be in a position to offer him protection, he will not be entitled to a gun license to protect himself.

13.In view of the above said discussion, the statutory authorities have exercised their discretion judiciously and have arrived at a finding that the petitioner has not put forward any compelling circumstances to hold a gun license especially in a communally hyper sensitive District.

14.In view of the above said facts, the order impugned in the writ petition is sustained. The writ petition is dismissed. No costs.

12 .08.2022

Internet : Yes/No
Index : Yes/No
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W.P(MD).No.10664 of 2010

To

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R.VIJAYAKUMAR, J.

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Pre-delivery order made in

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