



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.04.2022

CORAM :

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THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.5189 of 2010

and

M.P.(MD)No.1 of 2010

J.John Stani : Petitioner

Vs.

1.The District Revenue Officer,
Sivagangai.

2.The Principal Secretary /
Commissioner of Revenue Administration,
Disaster Management and Mitigation Department,
Ezhilagam, Chennai. : Respondents

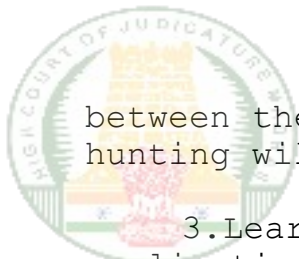
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the second respondent dated 08.03.2010 in RA.5(1)/55171/2007, A.A.No.133/07 confirming the order of the first respondent in Mu.Mu.d1/78767/2006, dated 23.06.2007 and quash the same and consequently, directing the respondents to grant single barrel gun license to the petitioner.

For Petitioner :Mr.V.R.Shanmuganathan for
Mr.AL.Kannan
For Respondents :Mr.D.Gandhiraj
Special Government Pleader

O R D E R

This writ petition is filed as against the order of the second respondent / appellate authority rejecting the appeal filed by the petitioner.

2.The petitioner, being a member of the Madurai Rifle Club affiliated to Nation Rifle Association of India, New Delhi and Tamil Nadu Shooting Association, Madurai, for participating in the rifle competition, applied for gun license before the competent authority / first respondent. The first respondent, after obtaining the reports from the Superintendent of Police, District Forest Officer, the Tahsildar and other authorities, rejected the application of the petitioner that there is a possibility of clash



between the petitioner and his brother and there is a possibility of hunting wild animals by the petitioner.

3.Learned Counsel for the petitioner submitted that the application of the petitioner was rejected on surmises and conjectures and without any valid reasons. He has also relied upon Section 14 of the Arms Act, which contemplates the reasons for rejecting any application and submitted that the reasonings offered by the authorities to reject his application do not satisfy the same. Even the appellate authority / second respondent has rejected the appeal filed by the petitioner, based on the report of the Superintendent of Police and District Forest Officer. In fact, the reports, which were relied upon by the authorities to reject the petitioner's application, have recommended for issuance of license in favour of the petitioner, however, they have pick and chose some grounds to reject the petitioner's claim. Therefore, the learned Counsel prayed for appropriate orders.

4.Learned Special Government Pleader submitted that the petitioner is residing within 15 kms radius from the reserve forest area and the petitioner has not offered any explanation for possessing the Arms. His only requirement for possessing the weapon is for practising for a sports event, for which, he can very well obtain the weapon available with the rifle association and practise. Since the authority concerned has not satisfied with the reasonings offered by the petitioner, they have rejected the claim and there is no reason to interfere with the same.

5.Heard the learned Counsel appearing on either side and perused the documents placed on record.

6.The petitioner is a Member of Madurai Rifle Club and for participating in the rifle competition, he made an application for Arms license. The application was rejected by the first respondent and the appeal filed by him before the second respondent was also rejected.

7.Section 14 of the Arms Act deals with the reasons for refusal of license and the same is usefully extracted as under:-

"14.Refusal of licences:-

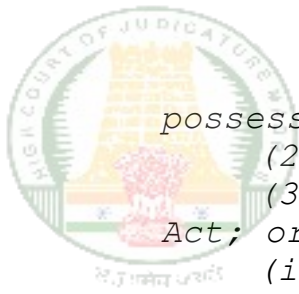
(1) Notwithstanding anything in section 13, the licensing authority shall refuse to grant--

(a) a licence under section 3, section 4 or section 5 where such licence is required in respect of any prohibited arms or prohibited ammunition;

(b) a licence in any other case under Chapter II,--

(i) where such licence is required by a person whom the licensing authority has reason to believe--

(1) to be prohibited by this Act or by any other law for the time being in force from acquiring, having in his



possession or carrying any arms or ammunition, or
(2) to be of unsound mind, or
(3) to be for any reason unfit for a licence under this
Act; or
(ii) where the licensing authority deems it necessary
for the security of the public peace or for public safety to
refuse to grant such licence."

8. In this case, the authorities have rejected the request of the petitioner mainly on three grounds, viz., i) the petitioner is residing within 15 kms radius from the reserve forest area and there is a possibility of hunting wild animals with the weapon;

ii) the petitioner's brother is already having a weapon and if the petitioner is also granted license to have a weapon, there is a possibility of some clash among the family members; and

iii) the petitioner has not offered any explanation for the license. If the only requirement is for the purpose of practising for the competition, he can very well avail the weapon from the Rifle Association and can even practice with air gun.

9. Though this Court is not accepting the first and second reasonings that there is a possibility of hunting the wild animals and that there is a possibility of any clash among the family members, this Court is satisfied with the third reasoning that the petitioner has not offered any satisfactory reason for possessing the weapon. As rightly pointed out by the authorities, if the only requirement of the petitioner is for practising for the competition, he can avail the rifle from the Association or can even use air gun.

10. In the absence of any valid reason for possessing the weapon, this Court is not inclined to interfere with the order impugned. Accordingly, this writ petition fails and the same is dismissed. No costs.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

gk

To

1. The District Revenue Officer,
Sivagangai.



2.The Principal Secretary /
Commissioner of Revenue Administration,
Disaster Management and Mitigation Department,
Ezhilagam, Chennai.

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+1 CC to M/s.SPL.GP (SR-17156[F] dated 07/04/2022)

+1 CC to M/s.VR. SHAANMUGANATHAN, Advocate (SR-17404[F] dated
08/04/2022)

W.P(MD)No.5189 of 2010
06.04.2022

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KB(20.04.2022) 4P 5C