



W.P.(MD)No.2680 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.2680 of 2022

P.Rajasekaran

... Petitioner

Vs

1.The Additional Chief Secretary /
The Commissioner of Revenue Administration,
Government of Tamil Nadu,
Chennai.

2.The District Revenue Officer cum
Additional District Magistrate,
Collectorate Office,
Madurai.

3.The Superintendent of Police,
Madurai District,
Madurai.

4.The Tahsildar,
Madurai East Taluk,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 1st Respondent in Cha.Mu.Aa.No. Va.Nee.5(1)/17832/2021 dated 10.12.2014 by confirming the 2nd Respondent order in Moo.Mu. 381/14/C2 dated 07.04.2016 and quash the same and



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consequently directing the 2nd Respondent to renewal the Petitioner Pistol gun licence bearing No. 21/1/MNT- II.

For Petitioner : Mr.K.Mahendran

For Respondents : Mr.M.Prakash

Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The writ petitioner was granted arms license in the year 2001. He was permitted to have a pistol gun. The said license was also periodically renewed. Following its expiry on 31.12.2013, the petitioner applied for renewal. The second respondent rejected the petitioner's request for renewal. Aggrieved by the same, the petitioner filed an appeal before the first respondent. The first respondent also by the impugned order confirmed the rejection order. Challenging the same, the writ petition has been filed.

3. The learned counsel appearing for the petitioner took me through the contents of the affidavit filed in support of the writ petition and called upon this Court to quash the impugned orders and allow the writ petition by directing the respondents to renew the petitioner's gun license.



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4. The respondents have filed a detailed counter affidavit. The learned Additional Government Pleader appearing for the respondents took me through its contents. The stand of the respondents is that since the petitioner has been involved in a number of criminal cases and since the Superintendent of Police, Madurai District had given a adverse report, license given to the petitioner could not be renewed. The learned Additional Government Pleader called upon this Court to sustain the impugned orders and dismiss the writ petition.

5. I carefully considered the rival contentions and went through the materials on record.

6. There is no dispute that the petitioner was granted pistol gun license in the year 2001 and that it was renewed on quite a few occasions. Following its expiry in the year 2013, the petitioner applied for renewal. The request for renewal was rejected primarily on the ground that the petitioner is involved in certain criminal cases. On a careful perusal of the details regarding the criminal case in which the petitioner has been implicated, it is seen that none of them concern disruption of the public order. The petitioner was granted quarry license and allegations of illicit mining were made and only in that regard, the cases were registered against the writ petitioner. The petitioner has not been



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found guilty in any of the criminal cases. My attention has been drawn to the decision of the Hon'ble Division Bench of the Madras High Court reported in MANU/TN/2103/2008 (The Commissioner of Police Vs. V.P.Kalirajan) and the decision of the Allahabad High Court in Writ C.No.56378 of 2006 (Ram Prasad Vs. Commissioner). The ratio set out in the said decision is that mere involvement in a criminal case or a pendency of a criminal case cannot be a ground for revocation of the license. There is no material to show that the petitioner ever misused the license or grant of gun license would be prejudicial to maintenance of public safety and public peace. I am more than satisfied that the impugned order is not sustainable. The petitioner had clearly stated that he is engaged in brick kiln works and for his personal safety, he is in need of pistol. Only after the authorities satisfied themselves, the petitioner for his self protection was granted license. License was issued to him in the year 2001. It is not the case of the respondents that the said circumstance is no longer obtaining.

7. The ground on which the request for renewal has been rejected is not sustainable. In this view of the matter, the impugned orders are set aside. The second respondent is directed to renew the petitioner's license forthwith and without any delay.



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8. The writ petition is allowed. No costs.

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Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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