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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.10.2022

CORAM

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.21364 of 2022

M.Mohamed Mansoor Hallaj .. Petitioner

Versus

1.The District Collector,
O/o. the District Collector,
Thanjavur.

2.The Superintendent of Police,
O/o. the Superintendent of Police,
Thanjavur District.

3.The Revenue Divisional Officer,
O/o. the Revenue Divisional Officer,
Kumbakonam,
Thanjavur District.

4.The Tahsildar,
O/o. the Papanasam Taluk,
Papanasam,
Thanjavur District.

5.The Inspector of Police,
Ayyampettai Police Station,
Thanjavur District. .. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 18.10.2021, for grant of Arms licence to possess a Revolver for self-protection, within a time frame to be fixed by this Court.

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For Petitioner : Mr.A.Abdul Kabur

For Respondents 1, 3 & 4: Mr.A.Kannan
Additional Government Pleader

For Respondents 2 and 5 : Mr.B.Thanga Aravindh
Government Advocate
(Criminal side)

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the first respondent to consider his representation dated 18.10.2021, for grant of Arms licence to possess a Revolver for self-protection, within a time frame to be fixed by this Court.

2.The case of the petitioner is that he was working in abroad and returned to his native place in the year 2014. He is one of the joint Patta holders in joint Patta No.533, in Valuthoor Village, Papanasam Taluk, Thanjavur District, and more than 350 persons' names have been included in the said joint Patta. He filed writ petitions before this Court in respect of the said joint Patta, stating that some strangers manipulated the revenue records, comprising the survey numbers mentioned in the said Patta and obtained bogus Patta. He filed approximately 30 litigations. Since certain proceedings are pending before this Court, District Court at Thanjavur, Sub-Court at Kumbakonam, District Munsif Court at Papanasam, Revenue Courts and

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Registration Department, he has to travel to the said places frequently. When the petitioner was working in abroad, his family members were threatened by some anti-social elements, who are all getting illegal benefits by fabricating the documents in respect of the properties mentioned in the said joint Patta. Whenever the petitioner came to India for holidays, he tried to rectify the issue by approaching the Revenue Officials, Registration Department Officials and appropriate forum.

3.According to the petitioner, in view of the threat made to his family members and Power of Attorney, he sent a representation from United Arab Emirates [UAE] to the fifth respondent, seeking police protection for his family members and the Power of Attorney and the same was received by him on 15.09.2016. Thereafter, no action was taken on the petitioner's representation. Hence, he filed a Criminal Original Petition in Crl.O.P.(MD)No.17707 of 2016, seeking police protection and the said petition was closed on 20.09.2016 based on the submission made by the learned Government Advocate (Crl. Side) that the petitioner and the rival group have appeared before the respondent Police and they have given a statement and based on the said statement, the respondent Police closed the petitioner's complaint. Thereafter, on 08.04.2020, the petitioner was threatened by the rival parties, for which, he has lodged a complaint. Pursuant to the said

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complaint, a case in Crime No.1252 of 2020 has been registered by the fifth respondent Police. Thereafter, the said case was kept pending without any progress. Hence, the petitioner was constrained to file another Criminal Original Petition in Crl.O.P.(MD)No.8108 of 2021 before this Court, seeking a direction to the fifth respondent to file a final report in the above said case. This Court, vide order dated 22.06.2021, directed the fifth respondent to file the final report in the said case within a month. Thereafter, no action was taken. Hence, on 20.09.2021, the petitioner sent a reminder to the respondents 1 and 2. However, no action was taken on the petitioner's application. Thereafter, the petitioner and his family members were receiving life threat, hence, on 13.10.2021, the petitioner has paid Rs.1000/- before the first respondent Treasury and on 18.10.2021 submitted an application seeking Arms licence for self-protection.

4.According to the petitioner, the first respondent has issued a communication dated 07.12.2021, vide Na.Ka.No.36463/2021/E3, stating that his application seeking Arms licence was forwarded to the respondents 2 and 3. Further, the first respondent instructed the respondents 2 to 4 to conduct an enquiry and submit a report before him. Thereafter, the petitioner was called for the enquiry by the Revenue Inspector and Village Administrative Officer and accordingly, the third respondent conducted the enquiry. In such circumstances, on 30.01.2022 at 10.05 am., while the petitioner came through

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Railway Station Road in his two wheeler, one Motin A.Abdul Hakkim, S/o.Abdul Hameed and some known persons waylaid him, abused him in filthy language and also intimated him to withdraw the litigations pending before the various Courts in respect of Document No.942/1976. Again, on 25.02.2022 at 11.55 am., while the petitioner came in his two wheeler near Mohaideen Andavar Periyapallivasal Tank, the said Abdul Hakkim came in his two wheeler in a speedy manner with an intention to dash against the two wheeler of the petitioner. In this regard, the petitioner lodged a complaint before the fifth respondent. Thereafter, no action was taken. Hence, the petitioner sent a representation to the second respondent and thereafter, he filed an application before the learned Judicial Magistrate No.III, Thanjavur, in Cr.M.P.No.1372 of 2022. The learned Judicial Magistrate No.III directed the fifth respondent to conduct an enquiry and to take appropriate action based on the petitioner's complaint. Thereafter, a case in Crime No.601 of 2022 for the offences under Sections 294(b), 506(ii) and 511 of I.P.C. has been registered against the culprits. Thereafter, on 16.08.2022, the petitioner sent a representation to the respondents 1 to 3 to dispose of his earlier representation, dated 18.10.2021, expeditiously. Even after receipt of the said representation, there is no action on the part of the respondents 1 to 3. Having left with no other effective and efficacious alternative remedy, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

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5.The learned Additional Government Pleader appearing for the respondents 1, 3 and 4, on instructions, submits that the petitioner, who is aged about 60 years, is residing at Door No.1/56, East Street, along with his wife and three children. He was working in abroad and has an annual income Rs.1,02,000/-. He has filed various cases in respect of transfer of lands, measuring an extent of 140 Acres, mentioned in Patta No.533, from the year 2014 and some of the entries were already cancelled and there is a dispute between the petitioner and the persons, who sold the lands mentioned in the said Patta. Further, the petitioner has no criminal case. In view of his old age, he cannot handle the Revolver and therefore, the fourth respondent rejected the request of the petitioner.

6.As per Rule 10 of the Arms Rules, 2016, every applicant applying for a licence in Form II, Form III and Form IV; or a rifle club or association or firing range or staff employed by such club, association or firing range, applying for a licence in Form V; or a manufacturer or dealer or gunsmith or staff employed by such manufacturer, dealer or gunsmith applying for a licence in Form VII, Form VIII, Form IX or Form IX-A, shall be required to complete arms and ammunition safety training course, which shall include –

(a) basic arms and ammunition safety practices, including safe handling and carry procedures;

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(b) firing techniques and procedures;

(c) care of arms and ammunition;

(d) safe storage and transportation of arms and ammunition;

(e) reasonable working knowledge of important provisions of the Act and these rules; and

(f) responsibilities of the arms owner or user, particularly in relation to children.

7.The petitioner herein has not equipped himself with the knowledge of handling the Revolver and therefore, he is not entitled for Arms licence. If the petitioner is given Arms licence for his personal safety, then, it will become a precedent for all others to make a similar request, claiming Arms licence for their personal safety. If at all the petitioner is having some fear that the third parties will harm him, he can approach the respondent Police for police protection as and when required.

8.This Writ Petition is dismissed with the above observation. No costs.

Index : Yes/No 11.10.2022

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Papanasam,
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5.The Inspector of Police,
Ayyampettai Police Station,
Thanjavur District.

6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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V.BHAVANI SUBBAROYAN, J.

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Order made in
W.P.(MD) No.21364 of 2022

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