



W.P.(MD)No.9833 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.07.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.9833 of 2015

and

M.P.(MD)Nos.1 & 2 of 2015

N.Radhakrishnan

... Petitioner

Vs.

1. The District Collector,
Theni District,
Theni.

2. The Superintendent of Police,
Theni District, Theni.

3. The Inspector of Police,
Uthamapalayam Police Station,
Uthamapalayam,
Theni District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent in his proceedings in Na.Ka.No.46962/C1/G2Y-1142 dated 03.01.2015 and quash the same as illegal and consequentially to direct



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the first respondent to re-register the Fire Arm License granted to the petitioner in No.1430/DM/PUL dated 04.04.2013 within the time stipulated by this Court.

For Petitioner : Mr.Karthik
for M/S.Ajmal Associates

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

The present writ petition has been filed challenging the report sent by the Superintendent of Police to the District Collector, under which, he has refused to recommend re-registration of Arms Licence to the writ petitioner.

2. The learned counsel for the petitioner had submitted that the criminal cases that are reflected in the impugned order are of the year 1992 and he has already been acquitted. Hence, the said facts cannot be put against him. However, the learned counsel for the respondents had contended that the petitioner was involved in a subsequent case, in which, he was convicted and he has paid the fine of Rs.1000/- (Rupees



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Thousand only).

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3. The District Collector is the competent authority to re-register or grant Arms Licence to the writ petitioner. He had only called for a report from the Superintendent of Police. This report is an internal communication sent by the Superintendent of Police to the District Collector. It is for the District Collector to take an appropriate call either to accept the recommendation or to take an independent decision on his own. Hence, the report of the Superintendent of Police cannot be questioned before this Court. However, the first respondent herein is at liberty to consider the application of the writ petitioner on its own merit and in accordance with law.

4. The learned counsel for the petitioner submits that instead of old application being pursued, he would like to file a fresh application. In such an event, the District Collector will call for a fresh report from the Superintendent of Police.



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5. The writ petitioner is directed to file a fresh application before the District Collector. After receiving a fresh report from the Superintendent of Police, the first respondent shall pass orders on merits and in accordance with law after giving due opportunity to the writ petitioner

6. With the above said observations, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
Internet : Yes / No

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To

1. The District Collector,
Theni District,
Theni.
2. The Superintendent of Police,
Theni District, Theni.

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3. The Inspector of Police,
Uthamapalayam Police Station,
Uthamapalayam,
Theni District.

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R.VIJAYAKUMAR ,J.

jbr

Order made in
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