



W.P.(MD)No.25640 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.11.2022

CORAM

**THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN**

W.P. (MD) No.25640 of 2022

V.A.Azhagan

... Petitioner

Vs.

1.The District Collector,  
Madurai District,  
Collectorate,  
Madurai.

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

3.The Tahsildar,  
Melur Taluk,  
Madurai District.

4.The Inspector of Police,  
Keezhalavu Police Station,  
Madurai District.

... Respondents

**Prayer :-** Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to issue Gun Licence to the petitioner's son on the basis of the petitioner's representation dated 29.08.2022.

|                |                            |
|----------------|----------------------------|
| For Petitioner | : Mr.N.Palanisamy          |
| For R1 & R3    | : Mr.D.Gandhiraj           |
|                | Special Government Pleader |



For R2 & R4 : Mr.B.Thanga Aravindh  
Government Advocate (Crl.Side)

### **ORDER**

This Writ Petition has been filed to direct the respondents to issue Gun Licence to the petitioner's son on the basis of the petitioner's representation dated 29.08.2022.

2.By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

3. The petitioner is having a licensed gun vide licence No.169/1/MLR. It is expired on 31.12.2021. He submitted an application for renewal of the same. The same was rejected by the first respondent and the licence was also cancelled. Thereafter, the petitioner submitted an application to renew the licence in the name of the petitioner. But the same was also not considered.

4.The learned counsel for the petitioner submits that the licence was cancelled on various reasons mainly on the ground that the petitioner is aged about 71 years and he has some visionary issues. The second respondent after conducting enquiry has recommended that there is no adverse remarks on the petitioner and the licence shall be extended for a further period of five years.

But the fourth respondent did not consider the same. Thereafter, the petitioner



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appeared in person and submitted his statement before the first respondent.

But the first respondent without considering the contentions, directed the petitioner to surrender the gun cancelling the licence. Therefore, over the same, the petitioner had given a representation on 29.08.2022 seeking to renew the licence in the name of the petitioner's son. But the respondent had not taken any action on the same.

5.He further submitted that the petitioner is a farmer having 10 acres of land. His son is also a farmer. It is not known that on what basis the respondents came to the conclusion that there is no thread to the life of the petitioner. The petitioner is made to run from pillar to post without considering the representation of the petitioner. Hence, the petitioner has filed the present writ petition.

6. The learned Government Advocate (Crl.Side) Government Pleader appearing for the respondents 3 and 4 submitted that even though there is no adverse remarks against the petitioner, there is no life thread to the petitioner. The petitioner is a senior citizen aged about 71 years and having some visionary issues. Hence, the authorities are objecting to renew the licence. Further, the petitioner only made a representation seeking renewal of gun licence in the name of the petitioner's son. The son of the petitioner did not make any application or representation in this regard.



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7. Heard the learned counsel appearing on either side.

8. From the records, it is seen that the petitioner is aged about 71 years and he has some visionary issues. Admittedly, the petitioner is a farmer. It is submitted that there is no life thread to the petitioner herein. Considering the facts and circumstances, the respondents had rightly rejected to renew the gun licence of the petitioner stating valid reasons. Hence, this Court is not inclined to interfere with the order that has been already passed by the respondents rejecting the request of the petitioner to renew the licence in his name. But, now the petitioner came before this Court with a plea that his son will be eligible for holding the gun and to issue gun licence in his name by considering the representation made by the petitioner, dated 29.08.2022.

9. This Court is of the view that the licence cannot be renewed in the name of the petitioner's son, based on the representation given by the petitioner herein, in the absence of an application or representation in the name of the petitioner's son. The petitioner's son has not made any representation before the respondents seeking licence. It is only the petitioner is making such claim on behalf of his son. If really the son of the petitioner needs the gun licence, he shall approach the authorities seeking gun licence in his name. The petitioner cannot represent his son in this regard.



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10. For the all the above reasons, this Writ Petition is dismissed.

However, the petitioner's son is at liberty to make an application under the appropriate provision of law for issuing licence in his name before the authorities concerned. On receiving such application, the authorities concerned shall consider the same and pass appropriate orders. There shall be no order as to costs.

**11.11.2022**

Index : Yes/No  
Internet : Yes/No  
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**V.BHAVANI SUBBAROYAN, J.**

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