



W.P.(MD)No.19995 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.06.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.19995 of 2017

Ma.So.Arul Wilbur @ Arulveerakesary

... Petitioner

Vs.

1.The Additional Chief Secretary to
Government of Tamil Nadu,
Home Department,
Secretariat, Chennai.

2.The Commissioner of Police,
Tirunelveli City,
Tirunelveli.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of the first respondent vide his impugned proceedings in G.O.(D)No.1179, dated 18.09.2017 and quash the same and consequently, direct the respondents to issue new fire arm license to the petitioner for possessing point22 bore rifle for taking part in the shooting competition.

For Petitioner : Mr.Pon Karthikeyan

For Respondents : Mr.M.Prakash
Additional Government Pleader



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ORDER

Heard the learned counsel on either side.

2. The petitioner applied for issuance of new fire arm license for possessing point 22 bore rifle. His request was rejected by the Regional Authority. He filed an appeal before the first respondent. The appellate authority also rejected the petitioner's appeal. Challenging the same, this writ petition came to be filed.

3. The learned counsel appearing for the petitioner draws my attention to Section 13(3) of the Arms Act, 1959 and contends that since the petitioner is a member of the rifle club, the authority ought to have granted him license as sought for.

4. Per contra, the learned Additional Government Pleader appearing for the respondents submitted that the petitioner obtained membership in the rifle club only subsequent to the rejection order passed by the second respondent.



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5. After carefully considering the contentions on either side, I am satisfied that the petitioner was not a member of the Rifle Club, when the rejection order was passed by the second respondent. That apart, in the petitioner's application, the petitioner has stated that he requires point22 rifle not only for target practice but also for own use. If the petitioner wants arms for own use, that would fall outside the scope of Section 13(3)(a)(ii) of the Act. Therefore, I cannot interfere with the impugned order.

6. However, the petitioner is permitted to make a fresh application before the second respondent. The petitioner has to make it clear that rifle is to be used only for target practice and not for any other purpose. If the petitioner places materials to show that he is a member of a rifle club or rifle association that has been licensed or recognised by the Central Government, then, the second respondent obviously has to grant license to the petitioner herein as per the aforesaid statutory provision. The petitioner's application shall be disposed of within a period of eight weeks from the date of submission.



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7. The Writ Petition is dismissed. No costs.

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Index : Yes / No

Internet : Yes/ No

rmi

To

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