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W.P.No.21741 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.21741 of 2013

S.M.Sivakumar

... Petitioner

Vs.

1.The District Revenue Officer,
Namakkal District,
Namakkal.

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

3.The Tahsildar,
Tiruchengode Taluk,
Tiruchengode,
Namakkal District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order dated 06.07.2011 made in Mu.Mu.No.23633/2009/M3 passed by the 1st respondent, quash the same and consequently direct the 1st respondent to grant SBBL Gun licence to the petitioner by considering his application dated 24.06.2008.



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For Petitioner : Mr.N.Manokaran
For Respondents : Mr.Abishek Murthy
Government Advocate

ORDER

The order of rejection, rejecting the application submitted by the writ petitioner seeking license to possess Single Bore Barrel Gun is under challenge in the present writ petition.

2. The petitioner states that he is a Rig Operator and carrying on agricultural operations in his village. He has to travel long distance for the purpose of carrying on his rig and bore-well business. The petitioner's house is situated in the remote area of the village. He submitted an application on 24.06.2008 to the 1st respondent for getting Single Bore Barrel Gun license in the format prescribed under the relevant Rules.

3. The learned counsel for the petitioner states that the petitioner had assigned reasons for seeking license in his application. By virtue of the nature of his business, he has to carry cash to various places and therefore, he had submitted an application seeking Gun License for self protection. The



authorities competent without conducting any proper enquiry and without affording opportunity to the writ petitioner rejected the application merely on the ground that the reasons stated was not satisfactory to the 2nd respondent / Superintendent of Police. However, the Tahsildar, Tiruchengode had recommended the case of the writ petitioner for grant of Gun License.

4. The learned Government Advocate appearing on behalf of the respondents objected the contention of the petitioner by stating that the reasons stated by the petitioner was that he has to carry the cash for long distance for his business purposes. Now 11 years lapsed and carrying cash at this point of time would be unnecessary, since the mode of financial transaction prevailing at present is through electronic modes and therefore, the reason as of now would be untenable. More so, the Superintendent of Police examined the reasons and found it is insufficient to grant Gun License to the writ petitioner. There was no serious threat to life to the petitioner during the relevant point of time and thus, the writ petition is to be rejected.

5. Gun Licenses cannot be granted in a casual manner by the authorities competent. There is large scale allegations regarding misuse of



licensed guns across the country and therefore, the competent authorities are bound to conduct a detailed enquiry about the necessity for granting such Gun Licenses. Casual approach in the matter of granting Gun License is to be avoided and utmost care is to be taken by the authorities, while considering the application seeking Gun Licenses.

6. Any abuse would cause infringement of the rights of other citizen and therefore, extra caution would be essential while considering such applications. The petitioner states that he is a businessman. Lakh and lakh of businessmen are doing their business across the country and therefore, mere status as businessman would be insufficient to consider the application seeking Gun Licenses. A serious threat, if any established alone is to be consider for granting Gun Licenses or the reasons would be candid and convincing for considering the grant of licenses.

7. In the present case, except by stating that the petitioner is carrying on his rig and bore-well business and he has to carry cash, no other reason has been stated. Thus, the above reasons would be insufficient to grant Gun



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License and this Court do not find any infirmity in respect of the order passed by the respondent.

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8. That apart, the application was submitted in the year 2008 and the order of rejection was passed in the year 2011 and the writ petition was filed in the year 2013 after a lapse of 2 years from the date of passing of the order and now after a lapse of 11 years, the relief as such sought for cannot be granted.

9. Accordingly, the Writ Petition stands dismissed. No costs.

07.03.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



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S.M.SUBRAMANIAM, J.

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