



W.P.No.6121 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.6121 of 2020
and
W.M.P.No.7188 of 2020**

K.Valliammal

... Petitioner

Vs.

1. The Additional Chief Secretary to Government,
Home, P & E Department,
Secretariat,
Fort St.George,
Chennai.

2. The District Revenue Officer / Additional
District Magistrate,
Tirunelveli District,
Tirunelveli.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the proceedings of the first respondent in G.O.(D)No.1273 Home (Pol.XIII) Department, dated 01.11.2018 and quash the same and consequently, direct the respondents to issue license to the petitioner to hold the S.B.B.L Firearm.



W.P.No.6121 of 2020

WEB COPY

For Petitioner : Mr.K.Thenrajan
For Respondents : Mr.M.Alagu Gowtham
Government Advocate

ORDER

This Writ Petition has been filed to call for the records of the proceedings of the first respondent in G.O.(D)No.1273 Home (Pol.XIII) Department, dated 01.11.2018 and quash the same and consequently, direct the respondents to issue license to the petitioner to hold the S.B.B.L Firearm.

2. The case of the petitioner is that on 30.08.2007, the second respondent had given a valid license to hold a S.B.B.L. Firearm in No.46/216/ALM to the petitioner and subsequently, the license was renewed in the year 2011 for a period of two years, i.e., upto 31.12.2013. While so, on 22.06.2011, the second respondent without issuing any prior notice to the petitioner had cancelled the license on the basis of the report of the Tahsildar, Alangulam vide his proceedings dated 21.06.2011 on the ground



W.P.No.6121 of 2020

WEB COPY

that a case has been registered in Crime No.298 of 2011 alleging that her husband had used the firearm illegally which resulted in causing injury to one Issaikimuthu. Aggrieved over the same, the petitioner had preferred an appeal under Section 18 of the Arms Act, 1959 before the Special Commissioner and Commissioner of Revenue Administration, Chepauk, Chennai on 09.05.2013. In the meantime, the criminal case in Crime No.298 of 2011 was taken on file in S.C.No.127 of 2013 on the file of the learned II Additional Sessions Judge, Tirunelveli and the same was ended in favour of the petitioner. However, the first respondent overlooking the above facts has rejected her appeal vide impugned proceedings dated 01.11.2018. Challenging the same, the petitioner has filed the present Writ Petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that the petitioner challenging the G.O.(D)No.1273 Home (Pol.XIII) Department, dated 01.11.2018 wherein confirming the order passed by the Original Authority for cancellation of Firearm license as against the



W.P.No.6121 of 2020

petitioner. However, during the pendency of the Writ Petition, the criminal case was ended in acquittal and hence, he prays for appropriate orders.

4. Heard the learned counsel appearing for the parties and perused the materials placed before this Court.

5. Considering the facts and circumstances of the case, the second respondent has rejected the Firearm license of the petitioner on the ground that the criminal case was registered against her husband, for which, the petitioner preferred an appeal before the Special Commissioner and Commissioner of Revenue Administration, Chepauk, Chennai. As per Arms Act, the Government is the Appellate Authority and the said cancellation of license was also confirmed by the Government which need not be interfered with. However, the fact remains that during the pendency of the Writ Petition, the criminal case was ended in favour of the petitioner. Hence, this Court without interfering with the proceedings, which is impugned in this Writ Petition, grants liberty to the petitioner to make fresh application to the



W.P.No.6121 of 2020

WEB COPY

Original Authority under the Arms Act within a period of four weeks from the date of receipt of a copy of this order. On receipt of the said application, the Original Authority is directed to consider the application of the petitioner and pass orders thereon on merits and in accordance with law within a period of four weeks thereafter.

6. With the above observations and directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

12.06.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji



W.P.No.6121 of 2020

To

WEB COPY

1. The Additional Chief Secretary to Government,
Home, P & E Department,
Secretariat,
Fort St.George,
Chennai.
2. The District Revenue Officer / Additional
District Magistrate,
Tirunelveli District,
Tirunelveli.



WEB COPY



W.P.No.6121 of 2020

M.DHANDAPANI,J.

vji

**W.P.No.6121 of 2020
and
W.M.P.No.7188 of 2020**

12.06.2023