



W.P.No.10439 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.10439 of 2023

and

W.M.P.Nos.10384 and 10387 of 2023

Periyaswamy

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by its Secretary to Government,
Home Department,
Secretariat,
Fort St.George,
Rajaji Salai,
Chennai – 600 001.

2. The District Collector,
Salem District,
Salem.

3. The District Revenue Officer-cum-Additional
District Magistrate,
Salem,
Salem District.

... Respondents



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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 impugned order dated 09.02.2021 in Moo.Mu.No.86/2020/C4 issued by the third respondent and quash the same and consequently, direct the third respondent to renew the petitioner's license vide No.Y-158/1835.

For Petitioner : Mr.S.Anantha Narayanan
for Mr.S.M.Nandhie Devhan
For Respondents : Mr.E.Veda Bagath Singh
Special Government Pleader

ORDER

This Writ Petition has been filed to call for the records of the impugned order passed by the third respondent in Moo.Mu.No.86/2020/C4, dated 09.02.2021, quash the same and consequently, direct the third respondent to renew the petitioner's license vide No.Y-158/1835.

2. The learned counsel appearing for the petitioner would submit that the petitioner has made a renewal application for his gun before the Original Authority in terms of Arms Act on 23.12.2019. However, the



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renewal application was rejected on 09.02.2021 on the ground that the petitioner's gun number which was printed on the gun is not legible. Hence, he made representations to the third respondent to reconsider and renew his license on 18.02.2021 and 13.12.2021 and the same have not been considered till date. Challenging the same, the present Writ Petition has been filed.

3. The learned counsel appearing for the petitioner would further submit that the present Writ Petition has been filed on the sole ground that no opportunity was given prior to passing of the impugned order to the petitioner. Hence, the impugned order is clearly in violation of principles of natural justice.

4. The learned Special Government Pleader appearing for the respondents would submit that as against the order passed by the Original Authority, the petitioner has an efficacious appeal remedy before the Appellate Authority and without exhausting the appeal remedy before the



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Appellate Authority, filling the present Writ Petition is not sustainable one.

Accordingly, he prayed for dismissal of the Writ Petition.

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

6. In view of the above, it is alleged that the present impugned order is passed without hearing the petitioner. However as against the impugned order, there is an effective alternative remedy available before the Appellate Authority. Without exhausting the appeal remedy, filing the petition under Article 226 is not maintainable. Hence, this Court, without interfering the order impugned in this Writ Petition, permits the petitioner to make an appeal before the Appellate Authority within a period of four weeks from the date of receipt of a copy of this order. If any appeal is made, the Appellate Authority is directed to consider and pass appropriate orders within a period of twelve weeks thereafter.



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7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

05.04.2023

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

vji

To

1. The Secretary to Government,
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Home Department,
Secretariat,
Fort St.George,
Rajaji Salai,
Chennai – 600 001.
2. The District Collector,
Salem District,
Salem.
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