



W.P(MD)No.23091 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.23091 of 2015
and
M.P.(MD)No.1 of 2015

Ahamed Mohideen

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Revenue Administration Department,
Fort St.George, Chennai – 600 009.
- 2.The Principal Secretary and Commissioner
of Revenue Administration,
Chepauk, Chennai – 600 005.
- 3.The District Revenue Officer and
Additional District Magistrate,
Thirunelveli.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus, to call for
the records relating to the order passed by the 2nd respondent dated



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26.06.2015 in his Na.Ka.No.Va.Ni.5(1)/75821/2011 (Me.Mu.No.90/11)

and confirming the order of the 3rd respondent dated 23.11.2011 in his Na.Ka.E3/63495/2010, and quash the same and to direct the 3rd respondent to issue Gun License to the petitioner for DBBL Gun.

For Petitioner : Mr.K.Vadivelu
For Mr.A.S.Mujibur Rahaman.

For Respondents : Mr.N.Satheesh Kumar,
Addl. Government Pleader.

ORDER

Heard the learned counsel on either side.

2.The writ petitioner is a business man. He applied to the third respondent for grant of gun license. The third respondent rejected the application vide order dated 23.11.2011. Aggrieved by the same, the petitioner filed an appeal before the second respondent. The second respondent also concurred with the view taken by the original authority vide order dated 26.06.2015. Challenging the same, the present writ petition came to be filed.

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3.The learned counsel for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition. He pointed out that the petitioner has to carry large amount of cash for his business purposes and travel throughout India and at times, he has to visit even remote places. Only for his self protection, he wanted gun license. The learned counsel submitted that the impugned orders are rather cryptic and there is no application of mind. He called upon this Court to set aside the same and grant relief as prayed for.

4.The respondents 2 and 3 filed counter affidavit and the learned Additional Government Pleader took me through its contents and submitted that the impugned orders are well reasoned and that they do not warrant interference. He pressed for dismissal of the writ petition.

5.I carefully considered the rival contentions and went through the materials on record. Unlike USA in India, there is no fundamental right to bear arms. Gun license cannot be issued for the asking. Only if the jurisdictional authorities are of the view that the petitioner is facing grave



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threat to his life, then alone, the authorities would consider issuing gun license. The petitioner has nowhere stated that there is a serious threat to his life. The only reason projected by the petitioner is that since he is handling substantial amounts of cash, he required gun license. As rightly pointed out by the authorities in the impugned orders, there are ATM centres available all over India. The present policy of the Government is to discourage transactions in cash. There are electronic and digital modes of fund transfer. The reason assigned by the petitioner was not accepted by the respondents 2 and 3. In matters such as this, the scope for judicial review is rather limited. A learned Judge of this Court vide order dated 08.06.2023 in W.P.(MD)Nos.1293 and 1294 of 2022 had held that the Courts ought not to sit in appeal over the decisions taken by the authorities in such matters. I went through the impugned orders passed by the second respondent as well as the third respondent. Both are speaking orders. They refer to the fact that the jurisdictional Superintendent of Police as well as jurisdictional District Forest Officer have not recommended the petitioner's application. Taking into account all the relevant parameters, the impugned rejection orders came to be passed. I do not find any ground to interfere and the writ petition stands



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dismissed. No costs. Consequently, connected miscellaneous petition is closed.

01.08.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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