



W.P(MD)No.10904 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 27.02.2023

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) No.10904 of 2016 and
WMP(MD) No.8450 of 2016

A.Abdul Kareem

Petitioner

Vs.

**The Principal Secretary/Secretary,
Home Department,
Secretariat,
Chennai – 9.**

Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed in Letter No.70183/Pol.13/2015-1, dated 14.03.2016, quash the same and consequently direct the respondent to entertain the petitioner's appeal dated 23.10.2015 filed against the order of the Commissioner of Police, Tirunelveli City Police in his proceedings No.G6/32814/2014, dated 21.06.2015 and to decide it on merits by giving opportunity to the petitioner.



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For Petitioner
For Respondents

:Mr.K.Sathiya Singh
:Mr.A.Kannan
Additional Government Pleader

ORDER

This writ petition is filed as against the order of the respondent, dated 14.03.2016, in and by which, the appeal preferred by the petitioner, dated 23.10.2015 was rejected by the respondent, on the ground that it has been filed after statutory period of appeal.

2.The learned counsel appearing for the petitioner submits that the petitioner was granted Revolver licence bearing License No.Cop.L.No.228/433/TNV for self protection on 18.11.1995 and the same was renewed by the District Collector, Tirunelveli periodically. Thereafter, the authorization for renewal of license has been entrusted to the Commissioner of Police, Tirunelveli City and the Commissioner has also renewed his licence in the year 2013. When he applied for subsequent renewal, the Commissioner of Police, Tirunelveli City by his proceedings in G6/32814/2014, dated 21.09.2015 has dismissed the petitioner's



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request on the ground that there is no life threat to the petitioner. It is also observed that since the area, where the petitioner is residing is sensitive place and in order to maintain public tranquility, the license has been dismissed. The petitioner was also informed that he is having an appeal remedy before the respondents, as per Section 18(1) 18(4) of the Arms Act 1962 r/w Rule 55 and 59. Accordingly, this petitioner has preferred an appeal and the same was rejected by the respondents on the ground that the appeal is time barred one. Aggrieved over the same, the present writ petition is filed.

3.The learned counsel appearing for the petitioner further submits that the appellant after having fulfilled the conditions as required under the Arms Act, 1962 has obtained the licence for Revolver in the year 1995 and the same has been periodically renewed. Subsequently, the application for renewal of license has been rejected without any valid reasons. The Appellate Authority has also observed that the area, where the petitioner is residing is very sensitive place. The petitioner claims that he is



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running a Beedi Company, and he is having its Manufacturing Units at various rural areas of Tamil Nadu. The Company's turnover is more than several crores and he will be carrying several lakhs of Rupees as collection amount and considering all these facts only, the licence has been initially granted to the petitioner. The learned counsel further submits that the petitioner has never misused the license. It is also submitted that the appeal preferred by him is in time. The order passed by the Commissioner in G6/32814/2014, dated 21.09.2015 was received by the petitioner only on 07.10.2015 and he has preferred the appeal in time on 23.10.2015. However, the first respondent by his order dated 14.03.2016 rejected the appeal on the ground of limitation that the appeal is time barred one. The learned counsel has pointed out that though the date of order was mentioned as 21.09.2015, the order was signed by the Commissioner only on 30.09.2015 and the postal receipts discloses the fact that the order was communicated to the petitioner only on 07.10.2015 and within one month, he has preferred the appeal before the concerned authority.



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4.The learned Government Advocate requests for some time for filing his counter affidavit.

5.This Court considered the submissions made on behalf of the petitioner and also perused the materials placed on record.

6.The petitioner was granted Revolver licence in the year 1995 and the same was renewed by the District Collector, Tirunelveli periodically. The subsequent renewal application submitted by the petitioner was rejected by the Commissioner, Tirunelveli on 21.09.2015. Challenging the same, the petitioner filed an appeal before the competent authority, which was also dismissed on the ground that it was barred by limitation. The petitioner claims that the order of rejection dated 21.09.2015 was received by the petitioner only on 07.10.2015, for which he has relied upon the signature portion of the rejection order as well as the postal cover enclosed along with typed set of papers.



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7.This writ petition was filed in the year 2016 and the learned Additional Government Pleader took notice for the respondent on 21.06.2016 and for filing counter affidavit and for obtaining necessary instructions, this writ petition was adjourned to 27.07.2016. Thereafter, when this writ petition was listed on 16.02.2023, it was reported that the learned counsel on record was no more and Mr.Sathiya Singh undertook to file Vakalat.

8. The learned Additional Government Pleader has not disputed the averments made in the writ petition, by way of proper counter affidavit as of now.

9.Considering the fact that order of rejection dated 21.09.2015 was received by the petitioner only on 07.10.2015 and he has filed the appeal in time, the impugned order in 70183/Pol. 13/2015-1, dated 14.03.2016 passed by the respondent is hereby set aside. The petitioner is directed to file a fresh appeal along with the



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entire records including the postal receipts, the impugned order and a copy of this order to the respondent/Appellate Authority and the Appellate Authority shall entertain the appeal and decide the matter on its merits within a period of twelve weeks from the date of receipt of a copy of this order.

10. With the above direction, this writ petition is allowed.

No costs. Consequently, connected Miscellaneous Petition is closed.

27.02.2023

Index : Yes/No
Internet: Yes/No
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To

The Principal Secretary/Secretary,
Home Department,
Secretariat,
Chennai – 9.



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B.PUGALENDHI, J

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