



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04-04-2024

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

WP No.2512 of 2024

And

WMP Nos.2747 and 2748 of 2024

1.A.A.Kandasami
2.Prabakaran

.. Petitioners

-VS-

1.Additional Chief Secretary/Commissioner of
Revenue Administration,
Commissionerate of Revenue Administration
and Disaster Management,
Chepauk,
Chennai-600 006.

2.District Executive Magistrate/District Collector,
Coimbatore.

3.Additional District Executive Magistrate/
District Revenue Officer,
Coimbatore.

.. Respondents



Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 14.08.2023 passed by the first respondent in Na.Ka.No.VaNi 5(2)/E-4754410/2023 confirming the order dated 06.04.2023 passed by the second respondent in Mu.Mu.4695/2021/O2 confirming the order dated 10.12.2020 passed by the third respondent in his proceedings Mu.Mu.27418/2020/O2 and quash the same and consequentially directing the respondents to grant license to the petitioners.

For Petitioners : Mr.J.Titus Enock
For Respondents : Mr.U.Baranidharan,
Additional Government Pleader.

ORDER

The rejection of the application submitted by the petitioners for transfer of Gun License from the first petitioner to the second petitioner, is under challenge in the present writ petition.

2. The petitioners state that they are residing at Eluppantham Village, Mettupalayam Taluk, Coimbatore District. The petitioners' owned



vast extent of agricultural lands in Eluppantham Village, Mettupalayam Taluk, Coimbatore District . The first petitioner was in possession of Gun License from the year 1977 onwards. Since the first petitioner is aged about 78 years, the second petitioner submitted application for transfer of Gun License.

3. The Authorities considered the application independently based on threat perception, necessity and other mitigating factors.

4. It is not in dispute that the first petitioner, who is the father of the second petitioner, was holding the Gun Licensee from the year 1977 onwards. The safety aspect prevailing in that locality in the year 1977, cannot be compared with reference to the present prevailing situation in Mettupalayam Taluk, Coimbatore District.

5. On account of vast development in Mettupalayam Taluk Area, police patrolling are provided in that locality. Beyond that the Forest Officials are guarding the area. Thus, the Authorities found that the claim of the petitioners deserve no merit consideration.



6. The Collector and District Magistrate, Coimbatore based on the report received by the Forest Officials and Police Officials, formed an opinion that the Gun License, cannot be granted to the second petitioner. The counter filed by the District Collector reveals the following facts:-

“The Superintendent of Police, Coimbatore District has also raised objection stating that the request for issue of self-protection to the petitioners need not to be considered as his residential area is a safe locality with regular patrolling by the police personal through day and night.

The second respondent, the third respondent, who is also the exercising the power of Additional District Magistrate has enquired the second respondent on 24.04.2023 personally and considered the facts that District Forest Officer, Coimbatore Division and also the Superintend of Police, Coimbatore District have not recommended to issue new Arms license with a reason stating that patrolling is carried out in regular intervals in petitioner place and hence there is no need of self-protection. After going through the enquiry reports of the District Forest



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Officer and the Superintendent of Police, Coimbatore District, the second respondent rejected the request of the second petitioner in Mu.Mu.4695/2021/O2 dated 06.04.2023, who has no necessity to hold a gun license for self-protection. The second petitioner was also given 30 days time to file a revision petition (Appeal) before the first respondent as per the Arms Act, 1959.

The second petitioner aggrieved by the above order of second respondent dated 06.04.2023 has filed an appeal before the first respondent. He was enquired by the first respondent on 19.07.2023. During the enquiry, the second petitioner has given a statement to the effect that he require the SBBI. License issued to his father, since there is threat of wild animals from the nearly forest area to the crops in his agriculture land and also after his duty at bank, he is on a job as a gun man and thus he is in need of a SBBL gun license for self-protection as well as crop protection. The first respondent after going through all the records pertaining to the appeal and the applicant statement, observed that as the applicant did not produce any records relating to



his cultivated land and about damage caused by the wild animals to the crops and also about the threat to his life, issue of a Arms License to hold a SBBL weapon was not a necessity, has passed his order in his proceedings Na.Ka. No.VaBi.5(2)/E-4754410/2023 dated 14.08.2023, confirming the order of the second respondent issued vide Mu.Mu.4695/2021/O2 dated 06.04.2023, rejected the second petitioner's application for appeal.”

7. This Court is of the considered opinion that the Gun License is to be granted after thorough scrutiny of the facts and circumstances. It cannot be granted in a routine manner. The report of the Police Officials and other mitigating circumstances, as raised by the applicants are to be considered scrupulously for the purpose of granting Gun License under the Act.

8. In the present case, the petitioners are residing in safer location and more-so, the police patrolling is also provided in that locality. The report of the Police and Forest Departments are considered by the District Collector for rejecting the claim.



9. Thus this Court do not find any infirmity in respect of the order impugned. Consequently, the present writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are also dismissed.

04-04-2024

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
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To

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