



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25.06.2024

CORAM

THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

W.P.No.16541 of 2024

M.Vadivel

... Petitioner

Vs

1.The Secretary to Government,
State of Tamil Nadu,
Department of Home, Prohibition and Excise,
Chennai – 600 009.

2.The Inspector General/Commissioner of Police,
Tiruchirapalli City.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to dispose of the Appeal dated 20.01.2024, filed by the petitioner under Section 18 of the Arms Act r/w Rule 5 of the Arms Rules, 1962 against the order passed by the 2nd respondent in his proceedings in C.No.M1/29450/2023 dated 26.12.2023.

For Petitioner : Ms.Pooja
for Mr.D.Baskar

For Respondents : Mr.P.Harish
Government Advocate



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ORDER

WEB COPY Mr.P.Harish, learned Government Advocate accepts notice for the respondents and is armed with instructions to enable a final disposal of this Writ Petition, even at the stage of admission.

2. The petitioner has approached the appellate authority, being the Secretary to Government, Department of Home, Prohibition and Excise for renewal of arms licence. The petitioner states that the appeal has been filed under Section 18 of the Arms Act,1959 read with Rule 5 of the Arms Rules, 1962 on 20.01.2024.

3. Mr.Harish has written instructions to state that the fee that is to accompany the appeal has not been remitted thus far. He draws attention to Rule 109 of the Arms Rules,2016 which states that every petition for appeal under Section 18 shall be accompanied by a fee of Rs.1,000/-. Rule 29 of the Arms Rules, 2016 states that the fee shall be paid in cash/bank pay order/demand draft/ electronic banking transfer simultaneous with the filing of the appeal. It is only on account of the above defect that the appeal has been pending thus far.

4. Learned counsel appearing for the petitioner would submit that the stand of the respondents will be communicated to the petitioner immediately for necessary action.



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5. A request for mandamus can be entertained only in the case of a valid appeal pending before the authorities. Hence, let the petitioner remit the amount forthwith. Rule 108 of the Arms Rules provides for disposal of a valid appeal within a period of 60 days from institution of the appeal. Mr.Harish would assure the Court that this stipulation would be adhered to scrupulously by the authorities and the appeal disposed within the aforesaid time frame of 60 days from the date when the appeal fee is remitted.

6. This Writ Petition is disposed as above. No costs.

25.06.2024

Sl

Index : Yes / No

Speaking Order

Neutral Citation : Yes

To

1.The Secretary to Government,
State of Tamil Nadu,
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Chennai – 600 009.

2.The Inspector General/Commissioner of Police,
Tiruchirapalli City.



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Dr.ANITA SUMANTH,J.

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