



WEB COPY

W.P.No.19675 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.19675 of 2020

V.Shymala

... Petitioner

Vs.

1.The State of Tamil Nadu rep. by
Its Additional Chief Secretary to Government,
Department of Home (Police – 13),
Secretariat,
Chennai – 600 009.

2.The District Collector cum
District Magistrate,
Collectorate,
Erode – 638 011,
Erode District.

3.The Superintendent of Police,
Erode District,
Erode – 638 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned orders dated 18.08.2016 made in Pa.Mu.No. 2527/2016/C3 passed by the 2nd respondent confirmed in the order dated 04.11.2019 made



in G.O.(D).No.1309 passed by the 1st respondent, quash the same and consequently direct the respondents to grant license to have a pistol for self protection by considering the petitioner's application dated 08.07.2015.

For Petitioner : Mr.N.Manokaran
For Respondents : Mr.G.Krishna Raja
Additional Government Pleader

ORDER

The Government order issued in G.O.(D).No.1309, Home (Pol.13) Department dated 04.11.2019 rejecting the appeal filed by the writ petitioner for grant of Gun License is under challenge in the present writ petition.

2. The petitioner states that she is living along with her children at Chinnasemur for the past about 16 years. She is doing textile business in the name and style as SBS Hi-Tech Tex Mills from the year 2015. The petitioner is an Income Tax assessee. In order to protect her life and property, the petitioner has submitted an application on 08.07.2015 to get Arms license under Rule 51 of the Arms Rules. The father-in-law of the petitioner hold a Pistol license No.529/E/1 till 31.12.2016. After the demise of her husband, the petitioner submitted an application seeking gun license for her protection.



The petitioner submitted an application along with the requisite documents.

The Revenue Inspector, Erode has issued no objection certificate to the petitioner. The original order was passed by the District Collector reveals that the petitioner has not established any prima facie case for grant of gun licence in the application submitted by her. The reasons stated by the petitioner seeking gun license are not convincing and thus, the application was rejected. Thereafter, the petitioner preferred an Appeal before the Government and the Government has interdependently considered the report of the Superintendent of Police, Erode District and all the relevant documents furnished by the petitioner.

3. However, the Government relied on the report of the Superintendent of Police and the order of District Collector and formed an opinion that there is no threat to the life and property of the petitioner. Further, the petitioner has not put forth any valid ground or material or evidences to justify that there is threat to her life and property. In the absence of any such material, the authorities have thought fit not to consider the case of the petitioner for grant of gun license.

4. The reasons for seeking gun license must be subject to satisfaction of



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the competent authorities. In the present case, both the District Collector and the Government have considered the issue and found that there is no threat to the life and property of the petitioner. That being so, this Court has no further reason to consider the case of the writ petitioner for grant of gun license.

5. With these observations, this Writ Petition stands dismissed. No costs.

04.01.2024

Jeni
Index : Yes
Neutral Citation : Yes
Speaking order



To

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S.M.SUBRAMANIAM, J.

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