



WP.No.22148 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2024

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

WP.No.22148 of 2021
and WMP.No.23381 of 2021

D.Amaramurthy

... Petitioner

Vs.

- 1.The Additional Principal Secretary/
Commissioner of Revenue Administration,
The Commissionarate of Revenue Administration and
Disaster Management and Mitigation,
Ezhilagam, Chepauk, Chennai 600 005.
- 2.The District Collector and District Judicial Magistrate,
Ariyalur, Ariyalur District.
- 3.The Superintendent of Police,
Ariyalur, Ariyalur District.
- 4.The Inspector of Police,
Special Branch, Ariyalur, Ariyalur District.
- 5.The Inspector of Police,
Thirumanur Police Station, Thirumanur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India

Page NO:1



WP.No.22148 of 2021

to issue a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned proceedings passed by the 2nd respondent in Mu. Mu. / 2414 / 2020 / C3 dated 6.1.2021 and the impugned proceedings passed by the 1st respondent in Na. Ka. No. Va. Ni. 5(2) / 2825 / 2021 dated 16.9.2021 and to quash the said proceedings and consequently direct the respondents herein to forthwith renew the Revolver licence of the petitioner bearing license No. 2/181 (ARI) which was enjoyed by the petitioner from the year 1999 onwards and further directing the respondents to handover the custody of the Revolver to the petitioner.

For Petitioners : Mr.A.Saravanan

For RR1 & 2 : Mr.S.J.Mohamed Sathik, G.A
For RR3 to 5 : Mr.S.Sugendran, APP

ORDER

This writ petition is filed challenging the impugned proceedings dated 6.1.2021 and 16.09.2021 and consequently to direct the respondents to forthwith renew the Revolver licence of the petitioner bearing license No.2/181 (ARI) which was enjoyed by the petitioner from the year 1999 onwards and further seeks for a direction to the respondents to handover the custody of the Revolver to the petitioner.

Page NO:2



WP.No.22148 of 2021

2. It is averred in the writ petition that the petitioner was originally given licence to deal with the Revolver. The said licence was renewed from time to time. On 31.12.2019, the petitioner applied for renewal of revolver licence. However, the second respondent, by proceedings dated 06.01.2021, rejected the request pointing out that the said rejection was based on the enquiry report. Aggrieved by the same, the petitioner filed appeal before the first respondent. The first respondent also rejected the request. Therefore, the present writ petition has been filed.

3. The learned counsel for the petitioner would submit that renewal of licence was rejected after 31.12.2019. The renewal sought by the petitioner for 3 years period is over now and therefore, the petitioner is to apply for the fresh licence. In support of the consideration of renewal in favour of the petitioner, the learned counsel relied on the order passed by this court in W.P.(MD).No.8408 of 2006, wherein, it has been held as follows:-

"Since the avowed object of the 1959 Act (as mentioned in the Statement of Objects and Reasons) is to do away with the British policy of keeping the Indian Nation disarmed, we must give an interpretation to the provisions of the said Act which is in conformity with the above object. However, the unfortunate fact is that the



WP.No.22148 of 2021

authorities often interpret the 1959 Act as if it is not materially different from the 1878 Act, and hence applications for arms licences are as readily and arbitrarily rejected as before."

14. *In para 15 of the judgment, the High Court has held that it is unfortunate that the authorities often interpret the 1959 Act as if it is not materially different from the 1878 Act and hence, applications for arms licences are as rightly and arbitrarily rejected.*

15. *The same attitude is shown by the respondents herein also as held by the above referred judgment of the Allahabad High Court.*

16. *Hence, I am of the view that the impugned order of the first respondent is liable to be set aside and accordingly set aside. The second respondent is directed to re-register the weapon in Ramanathapuram District as sought for by the petitioner, according to law and to pass appropriate orders within six weeks from the date of receipt of a copy of this order.*

17. *The Writ Petition is disposed of in the above terms. Consequently, connected Miscellaneous Petition is closed. No costs".*

The learned counsel also relied on the order passed in W.P.No.19013 of 2007 dated 13.10.2014. In paragraph 13, it is held as follows:-

13. *From the above discussions, this Court is of the opinion:-*

"(1) The petitioner had already enjoyed the single barrel breach loading gun licenced to him for about 15 years. During that period no adverse comments about his activities coming under suspicion.

Further, the gun licence had been renewed periodically for 15 years. As such, a stoppage of this regular



WP.No.22148 of 2021

procedure would be unjustified.

(2) The District Forest Officer is also equally responsible as a top most officer of the District, who had recommended to the first respondent for the renewal of his gun licence. Since, the petitioner's land situated at the fringes of hilly and forested land, hence, it is of paramount importance to protect domestic animals, petitioner's self protection and growing crops from the marauding wild animals which we often read about in many similar areas in our vast country.

(3) The petitioner is a senior citizen, as such his physical strength and movements have been reduced, therefore, the possession of a licenced gun becomes all the more a dire necessity.

(4). On considering the factual position of the case and arguments advanced by the learned counsel on either side and on perusing the impugned orders of the respondents, the opinion mentioned above in 1 to 3, this Court is inclined to allow the Writ Petition perforce. Consequently, this Court directs the first respondent herein / District Revenue Officer, Namakkal to receive fresh application from the petitioner for renewal of the gun licence within a period of thirty days from the date of receipt of his application, after observing necessary formalities. Consequently, connected miscellaneous petition is closed. Accordingly, ordered."

4. I have heard the learned Government Advocate and the learned Additional Public Prosecutor appearing for the respondents. It is submitted that as and when the application for fresh licence is received, the respondents would consider and pass appropriate orders.

Page NO:5



WP.No.22148 of 2021

WEB COPY

5. Heard both sides and perused the records carefully.

6. A perusal of the proceedings passed by the respondents would go to show that in the enquiry conducted, no adverse report has been recorded against the petitioner. The report of the Superintendent of Police, Ariyalur, is based only on the apprehension of law and order problem. It is also seen that the petitioner's licence was periodically renewed and extended upto the year 2019 and now more than four year is elapsed. Even assuming that there is a law and order problem in the area where the petitioner is residing, taking into consideration that the petitioner is a law abiding citizen and for his self protection, he is entitled for renewal of revolver licence, which he earlier obtained.

7. In the light of the above observations, this court deems it fit to direct the petitioner to file a fresh application before the respondents seeking licence. On filing of such applicatin, the respondents are directed to consider the same afresh without influenced by the reasons assigned in the orders

Page NO:6



WP.No.22148 of 2021

dated 06.01.2021 and 16.09.2021 and the said orders shall not be put against the petitioner. The respondents shall consider the application for fresh renewal of licence, if any made by the petitioner and pass appropriate orders within a period of six weeks from the date of receipt of the said application.

8.The writ petition is allowed on the above terms. No costs.
Consequently, connected miscellaneous petition is closed.

28.03.2024

sk/nvsri

To

- 1.The Additional Principal Secretary/
Commissioner of Revenue Administration,
The Commissionarate of Revenue Administration and
Disaster Management and Mitigation,
Ezhilagam, Chepauk, Chennai 600 005.
- 2.The District Collector and District Judicial Magistrate,
Ariyalur, Ariyalur District.
- 3.The Superintendent of Police,
Ariyalur, Ariyalur District.

Page NO:7



WP.No.22148 of 2021

4.The Inspector of Police,
Special Branch, Ariyalur, Ariyalur District.

5.The Inspector of Police,
Thirumanur Police Station, Thirumanur.



WEB COPY



WP.No.22148 of 2021

J.NISHA BANU,J.

Sk/nvsri

W.P. No.22148 of 2021

28.03.2024

Page NO:9