



W.P.(MD)No.3907 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.12.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)No.3907 of 2022

Harley Henry Davis

... Petitioner

/Vs./

1.The District Collector,
Thoothukudi.

2.Additional Chief Secretary/
Commissioner of Revenue Administration,
Ezhilagam,
Chennai.

3.District Superintendent of Police,
Thoothukudi.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent in proceedings Pa.Mu.(C3)/14281/19 dated 10.1.2022 and quash the same and consequently direct the first respondent to comply the order of the second respondent, dated 29.06.2015 to grant arm license to the petitioner.



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For Petitioner : Mr.B.Asha
For R1 & R2 : Mr.M.Senthil Ayyanar
Government Advocate
For R3 : Mrs.M.Aasha
Government Advocate (Crl.side)

ORDER

This writ petition has been filed challenging the order passed by the first respondent, dated 10.1.2022, thereby, rejected the request made by the petitioner seeking license for the weapon possessed by his father.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The petitioner's father possessed the movable properties, namely, a SBBL Gund and SBML Gund Since 1988. He died on 2.11.2008. Immediately, both the Guns were surrendered before the jurisdictional police. License were also expired on 31.12.2009. However, the petitioner made a request for issuance of license for these two properties since the petitioner is one of the legal heir inherited the



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WEB COPY said properties. On receipt of the said application, the District Revenue Officer/Additional District Magistrate, Thoothukudi rejected the application by an order, dated 18.12.2011. Aggrieved by the same, the petitioner preferred an appeal before the Additional Chief Secretary/Commissioner of Revenue Administration, Ezhilagam, Chennai on 19.01.2012. The appellate authority vide order, dated 29.06.2015 allowed the appeal and directed the Additional District Magistrate and the District Revenue Officer, Thoothukudi District to grant Arms Licence to the appellant for the guns which were inherited by from his father for self protection on heirloom basis. However, the District Revenue Officer, Thoothukudi did not pass any order. The first respondent issued the summons to the petitioner as directed by the appellate authority and conducted an enquiry. Thereafter, passed the final order dated 10.01.2022, thereby, rejected the request made by the petitioner on the ground of prevailing circumstances.

4. On a perusal of the counter filed by the third respondent, which is produced by the Government Advocate (Crl.side) in the open Court, revealed that the petitioner had applied for arms licence for his personal



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safety and also inherited the property. However, no documents were filed to show that there was a threat to his life.

5. On a perusal of the records revealed that the petitioner is running an Ornamental fish breeding unit in Keeranur and also doing the export. His father has possessed the arms licence since 1988 and after his demise, the petitioner applied for arms licence to possess which are inherited from his father for self protection. Admittedly, the petitioner is the one of the legal heir of his father and he inherited the movable properties namely a SBBL Gun and SBML Gun.

6. Considering the facts and circumstances the second respondent has rightly directed the District Revenue Officer, Thoothukudi to grant Arms Licence to the petitioner. There is a specific direction of District Revenue Officer, Thoothukudi to issue licence to the petitioner in respect of the properties, which were inherited from his father. Without complying the said order, the first respondent has taken up the matter and issued summons to the petitioner, thereafter, conducted an enquiry and also received the reports from the police personnels. It was rejected only



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on the ground that the petitioner failed to prove that his life is in danger.

Further, already four years have completed and the issuance of licence would create law and order.

7. In view of the above, this Court finds infirmity in the order passed by the first respondent, dated 10.1.2022 and it cannot be sustained and liable to be quashed.

8. Accordingly, the order of the first respondent dated 10.01.2022 is quashed and the writ petition is allowed. The first respondent is directed to issue licence for the guns which were inherited by the petitioner from his father i.e., SBBL Gun and SBML Gun as directed by the second respondent by an order dated 29.06.2015 within a period of two weeks from the date of receipt of a copy of this order. No costs.

03.12.2024

Index : Yes / No
Internet : Yes/No
NCC : Yes / No
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G.K.ILANTHIRAIYAN, J.

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Order made in
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