



W.P.(MD)No.19484 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.19484 2024

S.James Swathiban

...Petitioner

-VS-

1.The Additional Chief Secretary/
Commissioner of Revenue Administration,
Commissionerate of Revenue Administration and
Disaster Management,
Chepauk, Chennai-600 005.

2.The District Collector,
Office of the District Collector,
Madurai District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorarified Mandamus, to call for the impugned order passed by the first respondent in his proceedings in Na.Ka.No.VaNe5(1)/3050/2023 dated 04.06.2024 and to quash the same and consequentially directing the respondents to issue renewal order of D.B.M.L Gun Licence in Licence No.2/1/TMM within a time frame as may be fixed by this Court.

For Petitioner	: Mr.P.Jessi Jeeva Priya
For Respondents	: Mr.D.Gandhiraj Special Government Pleader

1/5



W.P.(MD)No.19484 of 2024

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ORDER

The petitioner has filed this writ petition challenging the order passed by the first respondent refusing to renew the gun license to the petitioner.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader for the respondents. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

3.The grievance of the petitioner is that he has applied for renewal of gun license. The first respondent rejected the said application based on the objection raised by the Commissioner of Police that there is no threat of theft and danger to the petitioner's life and he is doing agricultural work. Challenging the said order of rejection, the petitioner had filed an appeal before the first respondent, who by an order dated 04.06.2024 had remanded the matter once again to the second respondent to pass an order after obtaining a fresh report from the concerned police. The said order

2/5



W.P.(MD)No.19484 of 2024

is under challenge in this writ petition.

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4. In normal circumstances, this Court would have kept the writ petition pending till the respondents file counter-affidavit. However, the written instructions dated 13.08.2024 submitted by the second respondent to the learned Special Government Pleader itself indicates the clear mind of the second respondent to hold that the petitioner is not entitled for gun license. In such view of the matter, the appellate Authority without making any observations on the merits of the claim made by the petitioner, just remanding the application of the petitioner once again to the second respondent by the appellate Authority does not serve any purpose. Hence, on this ground, this Court is inclined to set aside the order passed by the first respondent.

5. Accordingly, this writ petition is allowed and the order passed by the first respondent dated 04.06.2024 in Na.K.No.VaNe 5(1)/3050/2023 in remanding matter to the second respondent is set aside. The first respondent is directed to pass a detailed order on the application of the petitioner within a period of two weeks from the date



W.P.(MD)No.19484 of 2024

of receipt of a copy of this order. No costs.

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14.08.2024

Index : Yes / No

Internet : Yes / No

PJL

To

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W.P.(MD)No.19484 of 2024

N.SATHISH KUMAR, J.

PJL

W.P.(MD)No.19484 of 2024

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