



W.P.(MD)No.20734 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.10.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.20734 of 2024

P.Periyasamy

... Petitioner

Vs.

1.The Additional Chief Secretary/
The Commissioner of Revenue Administration,
Government of Tamil Nadu,
Chennai.

2.The District Collector cum District Magistrate,
Madurai District.

3.The Superintendent of Police,
Madurai District, Madurai.

4.The Tahsildar,
Madurai East Taluk,
Madurai District.

5.The Inspector of Police,
Melur Taluk Police Station,
Melur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 1st respondent in Na.Ka.No.Va.Nee. 5(1)/4671138/2023 dated 10.12.2023 by confirming the 2nd respondent order in



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Na.Ka.No.C2/14977/2022 dated 28.03.2023 and quash the same as illegal and consequently, to direct the 2nd respondent to renew the petitioner's revolver gun license bearing No.221/1/MLR.

For Petitioner : Mr.K.Mahendran

For R1, R2 & R4 : Mr.D.Gandhiraj

Special Government Pleader

For R3 & R5 : Mr.M.Vaikkam Karunanithi

Government Advocate (Crl.side)

ORDER

According to the petitioner, he was granted license for revolver gun by the 2nd respondent vide Ref.No.K.Dis.114513/2003/C2, dated 20.12.2003. Thereafter, on 18.05.2004, the said license was suspended by the 2nd respondent, which was challenged before this Court in W.P(MD).No.10995 of 2014 and the same was allowed. Pursuant to the said order, the license was renewed from 31.12.2012 to 31.12.2015, 31.12.2015 to 31.12.2018 and 31.12.2018 to 31.12.2021. After expiry of the said period, on 16.03.2022, he, once again, applied for renewal of license to the 2nd respondent, who in turn, vide proceedings dated 29.03.2022, directed the respondents 3 and 4 to furnish a report regarding renewal of the petition's license. The 4th respondent, by



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proceedings dated 25.04.2022, has also recommended the same. However, the 3rd respondent, by his proceedings dated 06.02.2023, sent a report to the 2nd respondent, stating that four criminal cases in Crime No.50 of 2007 on the file of the Aaviur Police Station, Crime No.618 of 2012 on the file of the Melur Police Station, Crime No.33 of 2013 on the file of the District Crime Branch, Virudhunagar District and Crime No.32 of 2014 on the file of the District Crime Branch, Madurai District, are pending against the petitioner. Based on the 3rd respondent's report, the 2nd respondent cancelled the petitioner's application, vide proceedings Na.Ka.No.C2/14977/2022 dated 28.03.2023. Aggrieved by the same, the petitioner has filed an appeal before the 1st respondent, who in turn rejected the same, vide order dated 10.12.2023. Challenging the same, the petitioner has filed this Writ Petition.

2.The learned counsel appearing for the petitioner would submit that the petitioner is holding the revolver license from the year 2003. Suddenly, on the basis of the report of the 3rd respondent with regard to the pending criminal cases, license has not been renewed. According to him, criminal case is only with regard to the Mines and Minerals Act, not with regard to the security of the public peace or public safety. Therefore, mere pendency of the criminal case alone is not a ground to reject the petitioner's request.



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3.The learned Special Government Pleader appearing for the respondents 1, 2 and 4, by relying upon the counter affidavit filed by the 2nd respondent, would submit that on receipt of the application of the petitioner, seeking renewal of gun license, the same was forwarded to the respondents 3 and 4. The 3rd respondent, vide his letter dated 06.02.2023, objected the request of the petitioner on the ground that four criminal cases are pending against the petitioner. Therefore, the 2nd respondent cancelled the gun license of the petitioner.

4.He would further submit that the statutory appeal preferred by the petitioner before the 1st respondent was dismissed, in view of the involvement of the petitioner in the said criminal cases as well as bereft of proof forthcoming from the petitioner about the need to possess gun license for his personal protection. Though the citizen of India has got every right to make an application for grant of license to hold fire-arms under Section 13 of the Arms Act, 1959 (hereinafter referred to as 'the Act') subject to the provisions of Section 14 of the Act, it does not mean that the right is unfettered. The petitioner has to prove his case and thereafter, the duty is cast upon the respondents to examine the request with respect to the parameters such as the need to possess gun. Since the petitioner has not satisfied either the original



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authority or the appellate authority that he has genuine reason to possess revolver purely for his self protection, even though adequate opportunity of hearing was afforded, the request for renewal of revolver has been rejected. Hence, the order passed by the 2nd respondent does not require any interference and therefore, he opposed this Writ Petition.

5.Heard the learned counsel on either side and perused the entire materials available on record.

6.It is to be noted that the offences are only with regard to Mines and Minerals Act not Section 304(2) IPC. Be that as it may, Section 17(3) of the Arms Act deals with the cancellation and suspension of the license, which reads as follows:-

“(3)The licensing authority may by order in writing suspend a licence for such period as it thinks fit or revoke a licence

(a)if the licensing authority is satisfied that the holder of the licence is prohibited by this Act or by any other law for the time being in force, from acquiring, having in his possession or carrying any arms or ammunition, or is of unsound mind, or is for any reason unfit for a licence under this Act; or

(b)if the licensing authority deems it necessary for the security of the public peace or for public safety to suspend or



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revoke the licence; or

(c)if the licence was obtained by the suppression of material information or on the basis of wrong information provided by the holder of the licence or any other person on his behalf at the time of applying for it; or

(d)if any of the conditions of the licence has been contravened; or

(e)if the holder of the licence has failed to comply with a notice under sub-section (1) requiring him to deliver-up the licence.”

7.Mere pendency of the petty offence, which is registered against the petitioner while doing quarrying business, will not affect the public peace or public safety. Hence, the impugned order does not fall within the ambit of any of the violations contained in Section 17(3) of the Act. Therefore, the same is to be necessarily interfered with. Accordingly, the same is set aside. This Writ Petition is allowed with a direction to the 2nd respondent to renew the license of the petitioner. No costs.

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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N.SATHISH KUMAR, J.

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