



W.P.(MD)No.25409 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.10.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.25409 of 2024

and

W.M.P.(MD)No.21556 of 2024

Mariappan

... Petitioner

/Vs./

1.The Principal Secretary / Commissioner of Revenue Administration,
Commissionerate of Revenue Administration
and Disaster Management,
Ezhilgam,
Chennai -5.

2.The District Magistrate / District Collector,
Tirunelveli District,
Tirunelveli.

3.The Inspector of Police,
Nanguneri Police Station,
Nanguneri,
Tirunelveli District.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1st respondent in his proceedings in Proc.No.R.A. 5 (4) / 25263/2021, dated 27.04.2022 and set aside the same as illegal and consequent direction may be issued to the 2nd respondent to return the gun and to renew the gun license in 108/165/TKS within stipulated time.

For Petitioner : Mr.T.A.Ebenezer

For Respondents : Mr.D.Sadiq Raja (R1 & R2)

Additional Government Pleader

Mr.Vaikkam Karunanithi (R3)

Government Advocate

ORDER

This writ petition has been filed challenging the impugned order of the first respondent dated 27.04.2022 rejecting the petitioner's appeal which was filed aggrieved by the cancellation of his gun licence issued by the second respondent.



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2. Heard Mr.T.A.Ebenezer, learned counsel appearing for the petitioner, Mr.D.Sadiq Raja, learned Additional Government Pleader appearing for the respondents 1 and 2, and Mr.Vaikkam Karunanithi, learned Government Advocate appearing for the third respondent.

3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4. The first and second respondents have cancelled the petitioner's gun licence on the ground that a criminal case is pending against him.

5. It is now brought to the notice of this Court by the learned counsel appearing for the petitioner that subsequent to the passing of the impugned order, criminal case which was earlier pending against the petitioner has now ended in acquittal by the learned Judicial Magistrate, Nanguneri in CC No.459 of 2020 by judgment dated 28.03.2023. The judgment dated 28.03.2023 passed by the learned Judicial Magistrate, Nanguneri in CC No.459 of 2020 has also been placed on record.



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6. Since the first and second respondents have not considered the fact that the criminal case, which was earlier pending against the petitioner has ended in acquittal, necessarily the impugned order passed by the first respondent has to be quashed and the matter has to be remanded back to the first respondent for fresh consideration, in the light of the judgment passed by the criminal Court acquitting the petitioner, within a time frame to be fixed by this Court.

7. For the foregoing reasons, the impugned order dated 27.04.2022 passed by the first respondent is hereby quashed and the matter is remanded back to the first respondent for fresh consideration on merits and accordance with law, after giving due consideration to the fact that the criminal case which was earlier pending against the petitioner in CC No.459 of 2020 on the file of the learned Judicial Magistrate, Nanguneri has ended in acquittal by the judgment of the said criminal Court dated 28.03.2023. The first respondent is directed to pass final orders within a period of eight weeks from the date of receipt of a copy of this order.



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8. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

25.10.2024

Index : Yes / No
NCC : Yes / No
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TO:-

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ABDUL QUDDHOSE, J.

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Order made in
W.P.(MD)No.25409 of 2024

Dated:
25.10.2024