



WEB COPY

W.P.(MD)No.25308 of 2024



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2024

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.(MD)No.25308 of 2024

R.V.S.Parthasarathy

... Petitioner

Vs.

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

2.The District Collector/
District Magistrate,
Ramanathapuram.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings in Na.Ka.No.Va.Ni.5(1)/12854/2024 dated 16.08.2024 by the first respondent and quash the same and consequently direct the respondents to issue gun license (Revolver) based on his application.

For Petitioner : Mr.V.R.Shanmuganathan

For Respondents : Mr.D.Gandhiraj
Special Government Pleader

ORDER

This writ petition is filed challenging the proceedings in Na.Ka.No.Va.Ni.5(1)/12854/2024 dated 16.08.2024 issued by the first respondent and to direct the respondents to issue gun license (Revolver) based on his application.



2.Mr.D.Gandhiraj, learned Special Government Pleader takes notice for the respondents.

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

4.The grievance of the petitioner is that the petitioner has applied for gun license. However, the second respondent rejected the said application.

5.The petitioner originally filed an application before the District Collector and the same was rejected on 04.06.2011. The said rejection order was challenged by way of an appeal before the first respondent. The said appeal was allowed by setting aside the order of the District Collector and the matter was remitted back to the District Collector on 28.05.2015 to decide the application of the petitioner afresh. Pursuant to the said direction, the District Collector has once again considered the application and passed the order of rejection by an order dated 21.11.2023. Challenging the same, when the petitioner again filed an appeal before the first respondent, the impugned order has been passed holding that as the appeal has already been allowed and remanded back to the original authority, no further appeal is permissible under law.



W.P.(MD)No.25308 of 2024

6. On perusal of the impugned order, this Court is of the view that the same cannot be sustained in the eye of law. The authorities have interpreted the Section 18(7) of the Arms Act, 1959 wrongly. Section 18(7) of the Arms Act provides that every order of the appellate authority confirming, modifying or reversing the order appealed against shall be final. The order allowing the matter and remanding the same back for fresh consideration, cannot be treated as a final order and it cannot be said that the matter has reached finality.

7. Accordingly, the order impugned in this writ petition dated 16.08.2024 is set aside and the first respondent is directed to entertain the appeal and decide the same on its own merits and in accordance with law within a period of two months from the date of receipt of a copy of this order.

8. This writ petition is partly allowed on the above said terms. No costs.

24.10.2024

NCC:yes/no
Index:yes/no
ta

To

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

2. The District Collector/
District Magistrate,
Ramanathapuram.



WEB COPY



W.P.(MD)No.25308 of 2024

N.SATHISH KUMAR, J.

ta

W.P.(MD)No.25308 of 2024

24.10.2024