



W.P.No.10430 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No. 10430 of 2024

Krishnan

..Petitioner

Vs.

1.The District Collector / District Magistrate,
Dharmapuri.

2.The Inspector of Police,
Pappireddipatti Police Station,
Dharmapuri District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of Writ of Certiorari, calling for the records in Na.Ka.No. 1806/2024/C4 dated 20.03.2024 from the file of the 1st respondent, quash the same and further direct the 2nd Respondent to release the petitioner's weapon SBBL PRP.21/99, A-728114(Single Barrel Gun) surrendered by the petitioner at the 2nd Respondent Police Station on 18.02.2024 as called upon.

For Petitioner : Mr.D.Shivakumaran

For Respondents : Ms.S.Anitha
Special Government Pleader



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Mr.S.Balaji
Government Advocate (Crl. Side)

ORDER

This Writ Petition has been filed challenging the impugned proceedings dated 20.03.2024 passed by the 1st respondent, rejecting the petitioner's application for exemption from surrendering the weapon and to direct the 2nd respondent to release the petitioner's weapon surrendered by him at the respondent Police Station on 18.02.2024.

2. The learned counsel appearing for the petitioner would submit that the petitioner was granted Arm License for possession of a weapon namely, SBBL (Single Barrel Breech Loader Firm Arm) on 29.11.1999 and the same was renewed on 15.03.2024 for the period from 01.04.2024 to 31.12.2028. While so, the respondent Police instructed the petitioner to surrender the weapon in the jurisdictional Police Station in view of the Parliamentary Election and subsequently, the petitioner surrendered his weapon on 18.02.2024. Prior to that, the petitioner filed an application seeking exemption from surrendering the weapon but, the 1st respondent rejected the said request stating that there is a case pending against the petitioner in Crime No.119 of 2022 on the file of the 2nd



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respondent and subsequently, investigation completed and final report has been filed in C.C.No.179 of 2023 on the file of the learned Magistrate Pappireddipatti.

The learned counsel for the petitioner stated that all those offences are not heinous offences and it is only political case registered as against the petitioner. Aggrieved by the rejection of his exemption application, the petitioner filed this writ petition.

3. The learned counsel for the petitioner would submit that however, the present impugned order is passed only for the purpose of conducting the parliamentary election and now, the election result was declared, there is no legal impediment for the respondent to return the gun and the petitioner is entitled to possess the gun till 31.12.2028. Accordingly, he prayed for appropriate orders.

4. The learned Special Government Pleader has submitted a letter issued by the 1st respondent wherein, the 1st respondent stated that apart from Crime No.119 of 2022, two more cases are pending as against the petitioner in Crime No.365 of 2022 before the Theevetipatti Police Station, Salem and District and Thindivanam in Crime NO.365 of 2022 and in Crime No.69 of 2023 on the file of the Bommiddi Police Station, Dharmapuri District. It is stated therein that the petitioner's license



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has been renewed as per the circular issued by the Commissioner of Revenue Administration dated 21.05.2022 wherein, it is stated that if there is no conviction, mere pendency of criminal case cannot be adequate ground for rejection unless the licensee has misused the license for threatening or intimidating or hurting anyone or has been involved in a case which indicates that the license poses threat to security of the public peace or of public safety. Hence, after personal enquiry with the applicant, the license was renewed. Subsequently, the General Election to Lok Sabha has been announced by the Election Commission of India on 16.03.2024 and a guideline has been issued for conduct of peaceful, free and fair election. As per the said guidelines, there is a prohibition for possession and carrying of licensed arms for two months, except those specially ordered exempted. In view of the said guidelines issued and also considering the criminal cases pending against him, the petitioner's request for exemption to surrender weapon was rejected.

5. The facts of the present case is not disputed. Admittedly, the petitioner was granted Arm license for possession of SBBL Gun on 29.11.1999 and



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subsequently, the same was extended from 01.04.2021 to 31.12.2028 and there are three criminal cases pending against the petitioner. It is also not disputed that the petitioner was directed to surrender the weapon during the parliamentary election and the exemption application for surrendering weapon made by the petitioner has been rejected.

6. Considering the fact that the election is over and the result has been declared and also fact that the arm license granted in favour of the petitioner is valid upto 31.12.2028, there is no legal impediment for the respondents to return the gun to the petitioner. Hence, there shall be a direction to the 2nd respondent to return the SBBL PRP.21/99,A-728114 (Single Barrel Gun) to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

7. This Writ Petition is disposed of with the above terms. No costs.



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Index: Yes/No

Speaking (or) Non Speaking Order

Neutral Citation: Yes/No

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M.DHANDAPANI, J.

KKN

To

1.The District Collector / District Magistrate,
Dharmapuri.

2.The Inspector of Police,
Pappireddipatti Police Station,
Dharmapuri District.



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