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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2025

CORAM :

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

Writ Petition No.16253 of 2023
and WMP No.15647 of 2023

K.S.Mohammed Rafiq

.... Petitioner

.Vs.

1.The Additional Chief Secretary

Commissioner of Revenue Administration

Nagapattinam District

Nagapattinam.

2.The District Collector

Nagapattinam District

Nagapattinam.

3.The District Revenue Officer

Nagapattinam District

Nagapattinam.

.. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the respondents



in connection with impugned order vide Na.Ka.No.RA5(4)/25764/2021 dated 24.4.2023 passed by the 1st respondent and quash the same as illegal, perverse and non application of mind and consequently direct the 2nd and 3rd respondent to renew the license of the petitioner for pistol bearing No.RP113586/2003.

For Petitioner : Mr.Anrudh A Sriram

For Respondents : Mr.G.Velu
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned proceedings of the 1st respondent dated 24.04.2023 and for a consequential direction to respondents 2 and 3 to renew the gun license of the petitioner.

2.The case of the petitioner is that he is a business man and he is doing various businesses. Therefore, for the purpose of security and as a precautionary measure he had obtained Pistol license in the year 2008 for a period of 10 years. The Pistol license was renewed from time to time. On 20.03.2018, an application for renewal was made and after due enquiry, the license was renewed till 31.12.2020.

3.A complaint was made against the petitioner based on which an FIR came to be



registered in Crime No.47 of 2018 for alleged offence u/s.342, 323 and 307 IPC r/w Section 27(1) of the Arms Act, 1959. The District Collector through proceedings dated 04.03.2019 revoked/cancelled the license given in favour of the petitioner and ordered the petitioner to hand over the Pistol.

4.The petitioner challenged the said order by filing WP.No.2095 of 2020 and this Court by an order dated 11.3.2021 quashed the order passed by the District Collector and remanded the matter back for consideration.

5.The petitioner through letter dated 22.3.2021 sought for the renewal of the Pistol license and also brought to the notice of the 2nd respondent about the order passed in WP.No.2095 of 2020. The 2nd respondent through proceedings dated 28.05.2021, rejected the application submitted by the petitioner.

6.Aggrieved by the same, the petitioner filed an appeal before the 1st respondent. During the pendency of the appeal, the criminal case against the petitioner ended in acquittal in SC.No.56 of 2021 by judgment dated 19.5.2021, on the file of the Chief Judicial Magistrate, Nagapattinam. This fact was also informed to the 1st respondent.

7.The 1st respondent through the impugned proceedings dated 24.4.2023,



dismissed the appeal and confirmed the order passed by the 2nd respondent. Aggrieved by the same, the present writ petition has been filed before this Court.

8.The 2nd respondent has filed a counter. The 2nd respondent has taken a stand that the petitioner has misused the Pistol license given to him and has committed a crime resulting in registration of the FIR in Crime No.47 of 2018. That apart, the acquittal of the petitioner, by itself does not give a right to the petitioner to seek for the renewal of the gun license. Considering the antecedent of the petitioner, it was decided not to renew the gun license of the petitioner and while taking the decision, sufficient opportunity was given to the petitioner. Hence, the respondents have justified the order passed against the petitioner and sought for the dismissal of the writ petition.

9.This Court has carefully considered the submissions made on either side and the materials available on record.

10. Initially, the Pistol license of the petitioner was renewed upto 31.12.2020. An FIR came to be registered against the petitioner in Crime No.47 of 2018. That created a cause of action for the 2nd respondent to revoke the license given in favour of the petitioner. When the first order was passed in WP.No.2095 of 2020 dated 11.3.2021, this Court found that the District Collector did not afford any opportunity to the petitioner



and had straightaway passed an order revoking the Pistol license of the petitioner. This Court therefore remanded the matter back to the District Collector. By the time, this order was passed, the period of license expired and therefore the petitioner also sought for the renewal of his Pistol license.

11.Insofar as the revocation of license based on the criminal case, Proviso to Section 17(7) of the Arms Act, 1959 provides an answer. This proviso states that where the license has been revoked based on the fact that the license holder was convicted by a Court, such revocation will become void if ultimately the conviction is set aside.

12.The respondents seem to be taking a stand that the acquittal was based on the fact that the benefit of doubt was given in favour of the petitioner and that it was not an honourable acquittal.

13.It is now too well settled that it is alien to criminal jurisprudence to distinguish acquittal as an Hon'ble acquittal or an acquittal based on benefit of doubt. The law on this issue was dealt with by the Division Bench of this Court in **C.Surender .Vs. The Director General of Police and Others** reported in **2019 6 CTC 465**. Thus, the registration of the criminal case against the petitioner which ended in acquittal, for any reason, cannot be put against the petitioner while dealing with the claim made by the



petitioner. However, by the time, the matter was remanded back to the file of the 2nd respondent, the period of license was over and the petitioner was seeking for renewal of license.

14. When it comes to renewal of license, Section 15 of the Act, must be taken into consideration. I had an opportunity to deal with the scope of Section 14 and 15 of the Act in WP.No.2508 of 2023, dated 25.6.2025. The relevant portion is extracted hereunder:

8. Both the 1st and 2nd respondents lost sight of the crucial fact that Section 14 of the Act only deals with grant of license. It is Section 15 of the Act which deals with renewal of license. While renewing the license, the 1st and 2nd respondents cannot strictly apply the reasons provided under Section 14, since those reasons will apply when a person seeks for license for the first time. The 1st and 2nd respondents ought to have considered Section 15 of the Act which deals with renewal of license. Section 15(3) states that while dealing with the renewal of license, the provisions of Section 13 and 14 will have relevance. That does not mean that the authority will deal



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with the renewal application as if he is dealing with an application for fresh license.

15. On carefully going through the order passed by the 1st respondent dated 24.04.2023, it is seen that heavy reliance has been placed upon the criminal case against the petitioner and on that ground alone, the renewal of license has been rejected. In the case in hand, the revocation of the license by the District Collector through proceedings dated 04.3.2019 will automatically stand effaced by virtue of the proviso to sub Section (7) of Section 17 of the Arms Act, 1959. Therefore, what is left is only with regard to the consideration of the application submitted by the petitioner for the renewal of license. While dealing with this application, Sections 13 and 14 of the Act, will also have some relevance. One of the condition imposed is that a report will be called for from the nearest Police Station and in the event of an adverse report given against the concerned person, that will be a factor which will go against the person seeking for renewal of license.

16. In the case in hand, the adverse report has been given by the Superintendent of Police mainly relying upon the earlier criminal case that was registered against the petitioner which ultimately ended in acquittal.

17. Both the 1st and 2nd respondents did not properly appreciate the fact that the



criminal case has ended in acquittal and therefore, the same cannot be put against the petitioner at the time of dealing with the renewal of the Pistol license. Except this reason, no other reason has been cited in the order passed by the 2nd respondent and which was confirmed by the 1st respondent. This clearly reflects non application of mind on the part of the respondents. The respondents are under the impression that once a criminal case is registered against a person, he will be damned for his entire life and thereafter, he cannot live in the society like any other citizen. This attitude on the part of the respondents has resulted in the rejection of the application seeking for renewal of license.

18.In the light of the above discussion, this Court finds that the impugned proceedings of the 2nd respondent dated 28.5.2021, which was confirmed by the 1st respondent through proceedings dated 24.04.2023, is liable to be interfered by this Court and accordingly the same is quashed. The matter is sent back to the 2nd respondent with a direction to the 2nd respondent to deal with the application submitted by the petitioner seeking for renewal of the Pistol license and to grant the same within a period of four weeks from the date of receipt of copy of the order.

19.In the result, this writ petition is allowed with the above directions. No costs.



Consequently, connected miscellaneous petition is closed.

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Index : Yes

NCS : Yes

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To

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N.ANAND VENKATESH, J.



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