



W.P.No.27919 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 10.03.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.27919 of 2022
& W.M.P.No.27214 of 2022

Selvi P. Gunadevi,
D/o. Late. T.Paulsamy,
No.2/120 Achambadu Village,
Sattankulam - 628 701.
Thoothukudi District.

... Petitioner

/versus/

1. The Additional Chief Secretary/
Commissioner of Revenue Administration,
cum Disorder Management,
O/o. Revenue Administration cum Disorder Management Commissionerate,
Chepauk, Chennai - 600 005.

2. The District Revenue Officer,
Cum Additional District Magistrate,
Thoothukudi, Thoothukudi District.

... Respondents

Prayer: Writ Petition has been filed under Article 226 of Constitution of India, Writ of Certiorarified Mandamus, by quashing the proceedings of 2nd Respondent in ப.மு.சு.135748/2013 dated 15.09.2014 and consequential dismissal of order of the 1st respondent in ந.க.எண்.வ.நி.5(4).8905/2022 dated 29.06.2022 and direct the 2nd



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Respondent to grant license to this Petitioner to use and handle the Double Barrel Gun by allowing this Writ Petition.

For Petitioner : Ms.M.Chithiragomathy

For Respondents : Dr.S.Suriya,
Additional Government Pleader

ORDER

This writ petition is filed to quash the proceedings of the second respondent dated 15.09.2014 and that of the first respondent, dated 29.06.2022 by which they have denied the licence to possess one double-barrel gun by the petitioner.

2. The case of the writ petitioner is that, she is now aged 65 years and she is living alone in her 20 acres of agricultural land away from the village in No.2/120, Achambadu Village, Sattankulam, Thoothukudi District. Her land is also about 10 kilometres from the Forest area. Since she is living alone, there is threat to her life on account of the wild animals straying into her lands and also through anti-social elements. When every other authority had recommended grant of licence, the Superintendent of Police alone did not give his recommendation.

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The reason that is mentioned by the Superintendent of Police is that since the petitioner is living alone, the anti-social elements may snatch away the arms and once the arms reaches the hands of the anti-social elements that will be dangerous to public safety. Upon the objections that is made, the impugned order that was passed rejecting the licence that is prayed. The appeal filed by the petitioner is also dismissed, both against the original order and the Appellate Order, the writ petitioner is before this Court.

3. The writ petition is resisted by the respondents. They reiterate the ground that is raised in the rejection order as well as the Appellate order that when the petitioner lives away from the rest of the village, alone in her agricultural lands which is also nearby a Forest area, the arms that will be kept in her house is vulnerable to be snatched away by the anti-social elements. Therefore, it is their contention that they have rightly rejected the arms licence.

4. Pending the writ petition, it is stated that recently when the sister of the petitioner visited the petitioner and was staying with her, two assailants barged into the house of the petitioner and snatched away the *Thali* chain of 29 sovereigns



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and a case was also registered in Crime No.13 of 2025. Both sides, now rely upon

the said F.I.R to fortify their own positions that are taken in the writ petition as well as in the counter affidavit.

5. Heard the Learned Counsel appearing on behalf of the petitioner.

The Learned Counsel after taking this Court through the recent incident, would submit that now the apprehension of the petitioner has come true. When her sister visited the petitioner, two persons in the guise of enquiring about the Tamarind trees, entered into the house of the petitioner and snatched away the gold *Thali* chain of the sister of the petitioner. She would rely upon the judgment of the Allahabad High Court in ***Ganesh Chandra Bhatt vs. The District Magistrate and others*** (MANU/UP/0898/1993) morefully in paragraph Nos.64, 65, 73 and 78 for the proposition that the Citizens of India have the right to possess arms unless they are disqualified as per the provisions of the Act. The right of self defence is an effective right. Therefore, when an unarmed Law-abiding Citizen has to face the criminal, brandishing weapons, then there is no error in granting the license. She would further rely upon the judgment of Bombay High Court in ***Pawan vs. The State of Maharashtra and others***, (MANU/MH/0406/2017), more specifically



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relying upon paragraph Nos.7 and 9. She would contend that when there is a reasonable apprehension that when the evil will strike the petitioner and her dear ones, there is justification in asking for an arms licence.

6. Per contra, Dr.Suriya, Learned Additional Government Pleader appearing on behalf of the respondents would submit that the petitioner is residing all alone and her situation already is vulnerable. Therefore, the arms that is going to be there with the petitioner would only enhance the risk according to the authorities and when the authorities considering the ground situation have considered the facts and have taken a decision not to grant the licence, this Court under Article 226 of the Constitution of India, need not substitutes its view and come to a contrary conclusion.

7. I have considered the rival submissions made on either side and perused the material records of the case.

8. In this case, the petitioner has applied for the license of double-barrel gun for her personal safety. The safety concerns by the petitioner is that the



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petitioner is residing all alone and there is danger from anti-social elements as well as the wild animals that may stray from the forest. Atleast to threaten those wild animals and to save herself, the gun is necessary.

9. Section 14 of the Arms Act, 1959 contains certain specific grounds for which the licence can be refused and the same is extracted hereunder.

14. Refusal of licences.- (1) *Notwithstanding anything in section 13, the licensing authority shall refuse to grant-*

(a) a licence under section 3, section 4 or section 5 where such licence is required in respect of any prohibited arms or prohibited ammunition;

(b) a licence in any other case under Chapter II,-

(i) where such licence is required by a person whom the licensing authority has reason to believe—

(1) to be 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

(2) to be of unsound mind; or

(3) to be for any reason unfit for a licence under this Act; or

(ii) where the licensing authority deems it necessary for the security of the public peace or for public safety to refuse to grant such licence.



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(2) The licensing authority shall not refuse to grant any licence to any person merely on the ground that such person does not own or possess sufficient property.

(3) Where the licensing authority refuses to grant a licence to any person it shall record in writing the reasons for such refusal and furnish to that person on demand a brief statement of the same unless in any case the licensing authority is of the opinion that it will not be in the public interest to furnish such statement.”

10. Thus, it can be seen that there is no other disqualification for the petitioner. The only concern that is expressed on behalf of the respondents is that if the anti-social elements come to know that there is an arm that is lying in the house of the petitioner, they may try to snatch it away and therefore, it possess threat of public safety.

11. I have given my anxious consideration to the said contention. When the petitioner herself is seeking an arm for the self protection, the danger posed by anti-social elements itself is portrayed by the respondents to deny the licence. If the said view is taken, then in respect of every case seeking license for the personal safety, the said argument can be pressed into service. Therefore, I am of the view that the said reason cannot be a ground to refuse the license to the



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petitioner. The petitioner is now aged about 65 years and living separately in her agricultural lands, I am of the view that apprehension expressed by her is reasonable. Especially, on 01.02.2025, there is a robbery in the petitioner's own house where under, the sister who was visiting the petitioner, was robbed of a gold chain and even when the petitioner came running those robbers brandished an *aruval*. Therefore, the reasoning of the Superintendent of Police fails to take into consideration of the situation where the anti-social elements come armed.

12. Therefore, I am of the view that the ground on which the license that is refused to the petitioner cannot be sustained and the writ petition is deserves to be allowed on the following terms:

(i) The impugned order in U.P.#135748/2013 dated 15.09.2014 and ந.க.எண்.வ.நி5(4).8905/2022 dated 29.06.2022 shall stand quashed. The second respondent/The District Revenue Officer Cum Additional District Magistrate, Thoothukudi, Thoothukudi District is directed to consider the application of the petitioner and grant licence to possess the arms as prayed for by the petitioner, if there is no other impediment and in the manner known to law.



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(ii) The said exercise shall be carried out within a period of 8 weeks from the date of receipt of the copy of this order.

13. Consequently, connected Miscellaneous Petition is closed. There shall be no order as to costs.

10.03.2025

Neutral Citation : No.
bsm

To,

1. The Additional Chief Secretary/
Commissioner of Revenue Administration,
cum Disorder Management,
O/o. Revenue Administration cum Disorder Management Commissionarate,
Chepauk, Chennai - 600 005.

2. The District Revenue Officer,
Cum Additional District Magistrate,
Thoothukudi, Thoothukudi District.

3. The Government Pleader, High Court, Madras.



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D.BHARATHA CHAKRAVARTHY, J.

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