



W.P(MD)No.11827 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2025

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CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.11827 of 2025

Antony Grous

... Petitioner

Vs

1. The District Collector,
District Collector Office,
Dindigul District.
2. The District Forest Officer,
Kodaikanal Forest Range,
Dindigul District.
3. The Forest Range Officer,
Kodaikanal Forest Range,
Kodaikanal,
Dindigul District.
4. The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 06.03.2023 to renew his Gun License No.104/2/KDK and thereby, directing the fourth respondent to return his SBBL Gun (No.A816077) and his original Gun License No.104/2/KDK to him



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within the time limit as stipulated by this Court.

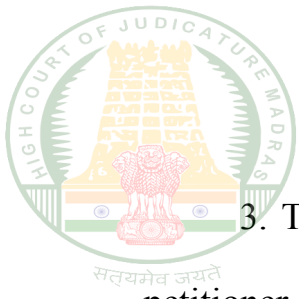
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For Petitioner	: Mr.I.Romeo Roy Alfred
For R-1 to R-3	: Mr.M.Lingadurai Special Government Pleader
For R-4	: Mrs.M.Aasha Government Advocate (Crl. side)

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Mandamus, to directing the first respondent to renew the petitioner's Gun License No.104/2/KDK and consequently, direct the fourth respondent to return his SBBL Gun (No.A816077) and his original Gun License No.104/2/KDK to him, by considering the petitioner's representation dated 06.03.2023.

2. The petitioner's gun was seized based on a charge registered in WLOR.03/2022. The petitioner faced a criminal trial and was permitted to compound the offence by paying a sum of Rs.25,000/-. After the prosecution was concluded, the gun was handed over to the fourth respondent on 14.06.2022, in accordance with the provisions of the Arms Act. Now, the petitioner is seeking to return the property and the original gun license.



3. The third respondent has filed a counter affidavit stating that once the petitioner has committed any offence under the Wild Life (Protection) Act, 1972, then he is not entitled to possess a gun for the next five years, as per Rule 51 (4) of said Act. The relevant portion is extracted hereunder:

“Where any person is convicted of an offence against this Act, the Court may direct that the licence, if any, granted to such person under the Arms Act, 1959 (54 of 1959), for possession of any arm with which an offence against this Act has been committed, shall be cancelled and that such person shall not be eligible for a licence under the Arms Act, 1959 (54 of 1959), for a period of five years from the date of conviction.”

4. In the present case, the gun was handed over to the concerned Police Station. No specific order has been passed by any competent court disqualifying the petitioner from possessing a gun. In the absence of such an order, the third respondent cannot invoke Section 51 (4) and state that the petitioner is not entitled to possess a gun for the next five years.

5. Therefore, this Court is of the considered opinion, the gun which has been surrendered to the Kodaikanal Police Station, shall be handed over to the petitioner. The original Gun License No.104/2/KDK shall also be handed over to



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the petitioner. As far as renewal of license is concerned, the same was lapsed during the pendency of the criminal proceedings. The incident occurred three years before. Now, there cannot be any impediment in renewing the license. The petitioner has already submitted a renewal application on 04.03.2023. Therefore, the respondents shall renew the license within a period four (4) weeks from the date of receipt of a copy of this order. The petitioner shall submit an undertaking that he will not permit any other person to misuse the said gun.

6. With the above said direction, this Writ Petition is allowed. There shall be no order as to costs.

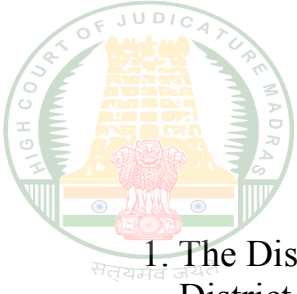
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NCC : Yes / No
Index : Yes / No
Internet : Yes

jbr

To:

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S.SRIMATHY, J.

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ORDER MADE IN
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