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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Civil Appellate Jurisdiction

Friday, the First day of August Two Thousand and Twenty Five

PRESENT

THE HONOURABLE MR. JUSTICE V. LAKSHMINARAYANAN

WMP(MD). No.8819 of 2025

in

W.P.(MD)No.3514 of 2025

Niyaz Ahammed

... Petitioner/Petitioner

Vs

1 The Additional Chief Secretary /
Commissioner of Revenue Administration
Disaster Management and Mitigation Department ,
Ezhilagam Chepauk,
Chennai 5

2 The District Collector Cum District Magistrate,
Dindigul District.

... Respondents/Respondents

Prayer in WMP(MD). No.8819 of 2025:-

This Writ Miscellaneous Petition filed under Article 226 of the Constitution of India to pass suitable orders modifying the operative portion of the order in WP (MD).No. 3514 of 2025 dated 03.03.2025

Prayer in WP(MD). 3514 of 2025 :

<https://www.mhc.tn.gov.in/judis>

Writ Petition filed under Article 226 of the Constitution of India, praying this



Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1st respondent by the proceedings in Na.Ka.No. Va.Ni.5(1)/ 10751/2024 dated 12.12.2024 confirming the impugned order passed by the 2nd respondent by the proceeding in Ma.Pa.No. 435/2022/C3 dated 04.03.2024 and quash the same as illegal consequently direct the respondents to grant SBBL gun license to the petitioner as per Section 13(3)(a)(i) of the Arms Act

ORDER:- This Writ Petition coming upon for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. D.Venkatesh, Advocate for the Petitioner and of Mr. A.Kannan Additional Government Pleader, Government Advocate for the respondents, this Court made the following order:

This WMP seeks for modification of the order dated 03.03.2025.

2. I heard Mr.D.Venkatesh for the petitioner and Mr.A.Kannan for the respondents.

3. According to Mr.D.Venkatesh, a muzzle-loading gun cannot be used in areas like Kodaikanal, where the petitioner is having his land on account of chill climatic conditions. He pleads that due to such conditions, ammunition used in muzzle-loading guns will not ignite and therefore, will not give the necessary result.

Furthermore, he pleads that loading of ammunition in a muzzle-loading gun is itself a time consuming process, and in an emergency situation, it cannot be used. Hence,



he seeks this court to modify the order dated 03.03.2025 by directing the District Collector to consider his application for a Single Barrel Breach Loading (SBBL) Gun license.

4. Mr.A.Kannan opposes the application stoutly. He invites my attention to Section 13(3) of the Arms Act. He points out that as per Section 13(3)(a)(i) proviso, the licensing authority can grant licence for a muzzle-loading gun, when it is used for bonafide crop protection and there cannot be a mandatory direction to give an SBBL Gun Licence. Hence, he pleads for dismissal of the application.

5. In response, Mr.D.Venkatesh points out pursuant to the order of this court, the respondents had called upon the petitioner to appear for an enquiry on 16.07.2025, and on 30.07.2025. On the latter date, the writ petitioner had informed the second respondent that since the modification application is pending, it may be adjourned.

6. I have carefully considered the arguments of the learned counsels and gone through the records.

7. Under Section 13(3)(a)(i) of the Arms Act, when a citizen of this country bona fide requires arms for protection of his crops, then the licensing authority is mandated to grant a licence for muzzle-loading gun. Invoking this Section, I had set aside the impugned order and directed the issuance of license for the muzzle-loading gun.



8. Insofar as the proviso that the writ petitioner seeks to rely upon, there is no such mandatory direction issued by the Parliament. It is left to the discretion of the licensing authority to grant licence with respect to any other gun, if he is satisfied that the muzzle-loading gun will not be sufficient for crop protection. Therefore, the direction sought for in the WMP cannot be granted as prayed for.

9. Taking into consideration that the licensing authority has called upon the applicant to appear before him, prior to the grant of license, it is open to the writ petitioner to express his difficulties in the use of muzzle-loading gun in Kodaikanal and request the licensing authority to invoke the proviso to Section 13(3)(a)(i) and grant him a license for any other arms.

10. With the above directions, this writ miscellaneous petition is disposed of.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ / 2025

Sub-Assistant Registrar
(C.S - I / II/ III / IV)

TO

1 The Additional Chief Secretary /
Commissioner of Revenue Administration
Disaster Management and Mitigation Department ,
Ezhilagam Chepauk,
Chennai 5



2 The District Collector Cum District Magistrate,
Dindigul District.

+1cc to Mr.D.Venkatesh Advocate S.R.No.48640

ORDER DATED : 01/08/2025

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ORDER
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WMP(MD). No.8819 of 2025
in
W.P.(MD)No.3514 of 2025

Giving direction and etc.
as stated within.

CT (08/09/2025) 5P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023