



WP(MD). No.18609 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 04/02/2025

CORAM

The Hon`ble Mr.Justice V.LAKSHMINARAYANAN

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Rajaram

... Petitioner

Vs

1. The Additional Chief Secretary Cum
Commissioner of Revenue Administration,
Ezhilagam, Chepauk,
Chennai -05.

2. The District Collector,,
Virudhunagar District,
Virudhunagar.

3. The Superintendent of Police,
Virudhunagar District.

4. The Tahsildar,
Rajapalayam Taluk, Virudhunagar District..

5. The Inspector of Police,
Thalavaipuram Police Station,
Rajapalayam Taluk,
Virudhunagar District..

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India praying for an issuance of a Writ of Certiorarified Mandamus to



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call for the records of the 2nd respondent in Pa.Mu.C2-8/45/2023-C3 dated 16.07.2024, quash the same and direct the 2nd respondent to renew the petitioner's license for SBBL bearing License No.04/2016 (Rajapalayam) inter-alia within a time frame to be fixed by this Court.

For Petitioner : Mr.T.S.R.Venkatramana
Senior counsel for Ms.V.Janakidevi
For Respondents : Mr.A.Kannan for R1, R2 and R4
Additional Government Pleader
Mr.M.Vaikkam Karunanidhi for R3&R5
Government Advocate (Crl. Side)

ORDER

This writ petition challenges the order passed by the 2nd respondent Pa.Mu.C2-8/45/2023-C3 dated 16.07.2024 and it also seeks for a positive mandamus for renewal of SBBL license within the time frame fixed by this Court.

2. The petitioner claims that he belongs to a reputed Nattamai family of Rayagiri in Tenkasi District. As a family heirloom, the petitioner is in possession of a Single Barrel Breech Loader (SBBL). Armed license was granted to the petitioner by the District Revenue Officer, Tirunelveli, by an order dated 10.06.1992. Subsequently by an



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order dated 11.03.2014, on account of shifting of the residence of the petitioner from the then Tirunelveli District to Virudhunagar District, the license also stood transferred. In and by way of an order dated 11.03.2016, the license had been extended to whole of State of Tamil Nadu. The petitioner did not come under any adverse report with regard to the usage of the fire-arm.

3. On 02.01.2020, the petitioner applied for renewal of license. The same was rejected by order dated 11.01.2022. He preferred an appeal to the first respondent-State of Tamil Nadu, which set aside the order passed by the 2nd respondent and remitted the matter to the 2nd respondent for fresh disposal.

4. The 2nd respondent took up the application for disposal and rejected the same by order dated 16.07.2024. The ground on which the renewal of license was refused was that the petitioner is aged about 72 years and hence dis-entitled for obtaining the renewal. Aggrieved by the same, the present writ petition.



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5. At the very outset, the learned Additional Government Pleader invites my attention to Rule 11(4)(g) of the Arms Rules 2016 and states as the petitioner has not enclosed a medical certificate about his mental health and physical fitness and that the petitioner is not dependant on any intoxicating or narcotic substance, he is not entitled to renewal. Hence, he pleads the application itself is incomplete.

6. Apart from that he refers Rule 25(b) pointing out that the petitioner can always nominate one of his legal heirs to obtain the license as he has attained the age of 70 and has been holding the firearm for more than a period of 25 years.

7. In order for Section 17(3)(A) of the Arms Act apply the persons making the application should have been prohibited by the Act from being the holder of a license or should be of unsound mind or for any other reasons unfit for a license under the Act.



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8. It is not in dispute that the petitioner has not been prohibited by a proceedings under the Arms Act or any other provision of law from holding a license. The petitioner is also not of accused of suffering from unsound mind.

9. The authorities seem to put the age against him in order to hold the license under the Act. The Act itself contemplates a medical certificate to be given under Form S-3. This medical certificate speaks about a doctor certifying the mental and physical fitness of the applicant. If such a certificate is given as required under the Act, the scope of enquiry is limited. For mere fact, the petitioner is above 70 does not disqualify him from holding license if he is otherwise found to be fit.

10. The learned Additional Government Pleader also points out that along with the application, Form S-3 had not been enclosed by the petitioner.

11. Mr.T.S.R.Venkatramana, states that the petitioner shall furnish the requisite certificate after undergoing a medical examination. Further



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more, I find though the order runs into three pages, it does not contain reasons that are essential for rejection. Apart from section 17(3)(a), the 2nd respondent has not stated as to how the said section is attracted to the petitioner.

12. In the light of the above discussions, the order of the 2nd respondent is set aside. The matter is remitted to the file of the 2nd respondent. Before consideration of the application of the petitioner, the petitioner shall produce the requisite certificate under Form S-3 to the licensing authority - 2nd respondent. This exercise shall be done within a period of two weeks from the date of receipt of a copy of this order. The 2nd respondent, after hearing the petitioner and after perusing the relevant files including certificate to be submitted by the petitioner, shall pass orders within a period of eight weeks thereafter.

11. Accordingly, the writ petition is disposed of. No costs.

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NCC : Yes/No
Index : Yes/No
RR

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V.LAKSHMINARAYANAN, J.

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IN
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