



1

W.P.(MD)NO.31037 OF 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 27.11.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.31037 of 2025

S.Joseph

... Petitioner

Vs.

1.The Additional Chief Secretary
/Commissioner for Land Administration,
Commissionerate of Land Administration,
Chepauk, Chennai – 600 005.

2.The District Collector cum
District Magistrate,
Sivagangai District,
Sivagangai.

3.The Superintendent of Police,
Sivagangai District, Sivagangai.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the second respondent bearing Mu.Mu.D.1/30337/2024 dated 27.08.2025 passed by the second respondent and quash the same and thereby the second respondent is directed to renew the SBBL Gun License No.475/2 of the petitioner for the period 01.01.2023 to 31.12.2025.



For Petitioner : Mr.V.R.G.Mohan

For Respondents : Mr.R.Ragavendran
Government Advocate for R1 and R2

Mr.A.Albert James,
Government Advocate (Crl.side) for R3

* * *

ORDER

Heard both sides.

2.The petitioner is holding arm license. It was first issued in the year 1987. The license was valid till 31.12.2022. Thereafter, it was not renewed. The petitioner's request was also rejected vide order dated 10.03.2023 by the second respondent. Aggrieved by the rejection order, the petitioner filed an appeal before the first respondent. The first respondent remitted the matter to the file of the second respondent vide order dated 12.12.2024. Once again, the second respondent passed a rejection order vide order dated 04.08.2025. Challenging the same, this writ petition came to be filed.

3.The issue regarding renewal of license has been dealt with by me in WP(MD)No.23614 of 2025 vide order dated 06.10.2025. I held as follows :



“9.Non-renewal of an existing license is usually a more serious matter than refusal to grant a license in the first place. Unless the licensee has already been given to understand when he was granted the license that renewal is not to be expected, non-renewal may seriously upset his plans and perhaps cast a slur on his reputation. It may, therefore, be right to imply a duty to hear before a decision not to renew when there is a legitimate expectation of renewal, even though no such duty is implied in the making of the original decision to grant or refuse the license (*De Smith* in *Judicial Review of Administration Action*). The Hon'ble Division Bench of the Karnataka High Court in *State of Karnataka Vs. G. Lakshman (ILR 1987 KARNATAKA 2223)* analysed the views of *De Smith* as follows :

“37. Though the above observations were made in the context of giving opportunity to the claimant for renewal of the licence, the said observation shows that a privilege to get a license may fructify in itself into a right at the time of seeking renewal of a license. The right claimed by the licensee claimed by the licensee under Section 15(3) of the Act is certainly more valuable to him than his right to seek a license originally under Section 13 of the Act. If the non-renewal of the license is based on non-existent grounds, the licensee is entitled to the license as a matter of course under Section 15(3) of the Act.”



10. Thus, what was a privilege which could be granted or refused at the discretion of the authority at the time of issuance of the license metamorphoses into a right to be granted renewal unless the grounds under Section 14 get attracted.

11. While involvement of the licensee/applicant in criminal cases can be a ground for refusal, much depends on the nature of the accusation. In the present case, the applicant is being prosecuted only for the offence under Section 304A of IPC. He is said to have caused a motor vehicle accident. By no stretch of imagination can this endanger public safety. Only those incidents that adversely impact the even tempo of societal life would fall within the category of public safety or public order. A case of fatal accident due to negligence would not fall under such a category. The petitioner is not accused of having misused the license issued to him. The reason set out for rejection is clearly unsustainable.

4. The only reason given in the impugned order is that a criminal case was registered against the petitioner. But then, the said criminal case was quashed by this Court. When the petitioner had been enjoying arm license since 1987 without any remark and the criminal case has been quashed by this Court, I do not understand as to why his



request for renewal should not be favorably considered. In this view of the matter, the impugned order is set aside. The second respondent is directed to renew the arm license of the petitioner within a period of eight weeks from the date of receipt of copy of this order.

5.This writ petition is allowed. No costs.

27.11.2025

NCS : Yes / No
Index : Yes / No
Internet : Yes/ No
SKM

To:

- 1.The Additional Chief Secretary
/Commissioner for Land Administration,
Commissionerate of Land Administration,
Chepauk, Chennai – 600 005.
- 2.The District Collector cum
District Magistrate,
Sivagangai District,
Sivagangai.
- 3.The Superintendent of Police,
Sivagangai District, Sivagangai.



WEB COPY



6

W.P.(MD)NO.31037 OF 2025

G.R.SWAMINATHAN,J.

SKM

W.P.(MD)No.31037 of 2025

27.11.2025