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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 10.03.2026

CORAM

**THE HONOURABLE MR JUSTICE D.BHARATHA
CHAKRAVARTHY**

**W.P(MD)No.6374 of 2026
and
W.M.P(MD)No.5297 of 2026**

Mariyappan

... Petitioner

Vs.

1.The Additional Chief Secretary/
Revenue Administrative Commissioner,
Revenue Administration and Disaster
Management Department,
Chepack,
Chennai600005

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

...Respondents

Writ Petition is filed under article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 1st respondent culminating in Se.Mu.No.Va.Ne.5(1)/20353/2025 dated 05.11.2025 confirming the order in Na.Ka.No.C2/2791314/2025 and 09.04.2025 passed by the 2nd respondent quas the same as illegal arbitrary and consequently direct the respondents to grant a new gun licence to the petitioner within the time frame fixed.



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For Petitioner

:Mr.A.Marthandavarman

For R1 and R2

:Mr.M.Senthil Ayyanar,
Government Advocate

ORDER

This writ petition is filed for a writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 1st respondent dated 05.11.2025 confirming the order of the original authority dated 09.04.2025.

2.Upon hearing the learned counsel for the petitioner and perusing the material records of the case, the case of the petitioner is that the petitioner and his brother's family have a serious dispute relating to the lands quite often the petitioner is being attacked. Under the said circumstances, the petitioner for his own safety and self defence and protection thought it fit to acquire a firearm and to get a licence as per the Act in respect thereof.

3.When he applied the original authority, rejected the same. On appeal, the Appellate Authority also confirmed the order and held that since the petitioner has crossed the age of 70 years, no licence could be granted. Aggrieved by the same, the present writ petition is filed.



4.The learned counsel for the petitioner would submit that even though the Rule 25(b) of the Arms Rules enables transfer of licence in favor of legal heir, there is no bar under the Act, for any person who has crossed the age of 70 to possess the firearm licence and therefore the reasoning made by the appellate authority cannot stand the scrutiny of law. He would also submit that the authorities failed to consider that there is a serious threat to the life and limbs of the petitioner and unless the firearm licence is provided for the safety and self protection of the petitioner and the life is at threat. Therefore, this is a fit case where the authorities should have granted the license.

5.Per Contra, the learned counsel appearing on behalf of the respondents would submit that it can be seen that the original authority had rejected the firearm licence on the input given by the Police Department that both sides are involved in criminal cases and there is a likelihood of the use of the firearm leading to the offenses. This apart, the age of the petitioner and the ability to handle the firearm is also considered by the original authority. In any event, the appellate authority had considered the other grounds also, as well as the age and passed the impugned order.



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

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7.At the outset, among other reasons, primarily the Appellate authority rejected the application on the ground that the petitioner has crossed the age of 70 years. In this regard, the Rule 25(1) of the Arms Rule is extracted here under:

“25. Grant of licenses to legal heirs.

(1)The licensing authority may grant a license -(a)after the death of the licensee, to his legal heir; or

(b)in any other case, on the licensee attaining the age of seventy years or on holding the firearm for twenty five years, whichever is earlier, to any legal heir nominated by him:Provided that notwithstanding the provisions contained in rule 12 of these rules, the licensing authority may grant a license to such legal heir if the eligibility conditions under the Act and these rules are fulfilled by the said legal heir and there are no adverse remarks in the [police report:][Substituted 'police report.' by Notification No. G.S.R. 108(E), dated 12.2.2020 (w.e.f. 15.7.2016).][Provided further that while granting arms licence on inheritance or heirloom basis, the limit of two firearms shall not be exceeded.][Inserted by Notification No. G.S.R. 108(E), dated 12.2.2020 (w.e.f. 15.7.2016).]

(2)Where a licensee leaves behind more than one legal heir and the legal heirs decide amongst themselves to retain the



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arm or arms of the deceased, one of the legal heirs nominated by all other legal heirs may apply for a license under sub-rule (1) along with the following documents, namely:-

(i) a declaration of no-objection from the remaining legal heirs;

(ii) an indemnity bond executed by the applicant giving full details of the license and the arm or arms endorsed thereupon; and

(iii) a copy of the death certificate of the deceased licensee.

(3) Where the legal heirs decide to dispose of the arm or arms endorsed on the license of the deceased licensee, they may apply to the licensing authority for grant of a limited period permission to sell the arm or arms, within the time allowed by such authority, to any licensed dealer or to any other person entitled to possess an arm under these rules.

Explanation. - For the purposes of this rule, 'legal heir' [includes father, mother,] [Substituted 'includes' by Notification No. G.S.R. 108(E), dated 12.2.2020 (w.e.f. 15.7.2016).] husband, wife, son, daughter, son-in-law, daughter-in-law, brother, sister and grandchildren of the licensee or the deceased licensee.

8. On a reading of the rule as a whole, it can be seen that the licensing authority is granted the power to grant license to the legal heir after the death of the licensee and in any other case, on the licensee attaining the age of 70 years or on holding the firearm for 25 years, whichever is earlier to any legal or nominated by him. In that view of the matter, it can be seen that



attaining the age of 70 years is reckoned as a factor under the rules.

Therefore, it cannot be said that the reasoning of the appellate authority is incorrect or illegal. In any event, the other reasons are also given in the appellate order also.

9.In view thereof, I am not in agreement with the contentions raised by the learned counsel and the writ petition is bound to fail. At this juncture, the learned counsel submits that the legal heirs are willing to make an application in their own name. The dismissal of this writ petition will not in any manner come in the way of the children of the petitioner or any other person belonging to the family to apply the firearm in their own name, which will again be considered on its own merits.

10.With the aforesaid liberty and observations, the prayer in the writ petition cannot be countenanced and accordingly stands dismissed. No cost. Consequently, connected miscellaneous petition is closed.

10.03.2026

NCC:Yes/No
Ns



To

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D.BHARATHA CHAKRAVARTHY, J.

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