

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 28th DAY OF MARCH, 2014

BEFORE

THE HON'BLE MR.JUSTICE S.ABDUL NAZEER

WRIT PETITION No.14657 OF 2014 (GM-POLICE)

BETWEEN:

M.GOVINDA BHAT,
S/O M.ACHUTHA BHAT,
AGED ABOUT 60 YEARS,
RESIDING AT 'MADHUVANA',
MANIMOOLE, MANILA VILLAGE,
BANTWALA TQ.
D.K.DISTRICT – 574243.

... PETITIONER

(BY SRI M.SUBRAMANYA BHAT, ADV.)

AND

1 THE DEPUTY COMMISSIONER,
AND DISTRICT MAGISTRATE
DAKSHINA KANNADA DISTRICT,
MANGALORE – 574 243.

2 THE STATION HOUSE OFFICER,
VITTAL POLICE STATION,
D.K.DISTRICT – 574 243.

3 THE CHIEF ELECTION COMMISSION
OF INDIA, REP. BY THE
CHIEF ELECTION COMMISSIONER. ... RESPONDENTS

(BY SRI VIJAY KUMAR A.PATIL, HCGP FOR R1 & R2
SRI KRISHNA.S.DIXIT, ADV. FOR R3)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE ORDER DTD. 7.3.2014, MARKED AT ANNEX-B ISSEUD BY THE R1 AS THE SAME IS IN UTTER VIOLATION OF THE PRINCIPLES OF NATURAL JUSTICE BESIDES BEING VIOLATIVE OF ARTICLES 14,16, 19 AND 21 OF THE CONSTITUTION OF INDIA ANDETC.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING 'B' GROUP THIS DAY, THE COURT PASSED THE FOLLOWING:

O R D E R

I have heard the learned Counsel for the parties.

2. The petitioner had obtained a SBBL licence as per the order bearing No.D.Dis.ARM.CR.151/94-95. It is the case of the petitioner that the second respondent has directed him to surrender the fire arms in view of the ensuing Lok Sabha elections as per the order at Annexure 'B' dated 7.3.2014. The petitioner has questioned the validity of the said order in this writ petition.

3. Learned Counsel for the petitioner submits that the house of the petitioner is situated by the side of

a highway and retention of fire arms is absolutely essential for his safety and the safety of his family members.

4. Learned HCGP on instructions from the 1st respondent submits that a Screening Committee has been constituted by the first respondent to consider the representations seeking retention of fire arms.

5. If that is so, the petitioner is permitted to file a representation before the 1st respondent seeking appropriate reliefs within one week from the date of receipt of a copy of this order. The 1st respondent is directed to refer the representation of the petitioner to the Screening Committee constituted by him for consideration. The Committee is directed to dispose of the representation in accordance with law within a period of eight weeks from the date of receipt of the representation. Till such time, the 1st respondent shall

not insist for surrender of the fire arms of the petitioner.

Writ petition is accordingly disposed of. No costs.

Sd/-
JUDGE

KLY/