

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 30TH DAY OF SEPTEMBER 2019 / 8TH ASWINA, 1941

WP(C).No.8236 OF 2018(D)

PETITIONER:

NEJI JAMES

AGED 43 YEARS, S/O.M.C.JAMES,MARUTHUMPARACKAL HOUSE,
OONUKAL P.O.,MANGATTUPADI, KOTHAMANGALAM, ERNAKULAM -
686 693.

BY ADVS.

SRI.R.SANJITH

SMT.C.S.SINDHU KRISHNAH

RESPONDENTS:

- 1 THE DISTRICT MAGISTRATE AND DISTRICT COLLECTOR
CIVIL STATION, ERNAKULAM - 682 030.
- 2 THE DISTRICT POLICE CHIEF
ERNAKULAM RURAL, ALUVA - 683 101.
- 3 THE DIVISIONAL FOREST OFFICER
KOTHAMANGALAM, ERNAKULAM - 686 691.

BY GOVT.PLEADER SMT. B. VINITHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30.09.2019, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J U D G M E N T

The petitioner holds a licence under the Arms Act in respect of a gun. The term of said licence expired on 31.03.2015. The petitioner applied for renewal of the licence on 30.04.2015. Ext.P2 is the application preferred by the petitioner in this connection. Ext.P2 was allowed only on 17.11.2017. In terms of the order issued in this connection, the term

of the licence was extended only upto 31.03.2018. The case of the petitioner is that in terms of Section 15 of the Arms Act, 1959, if the licensing authority chooses to renew the licence, the renewal shall be for a period of three years unless the licensing authority, for reasons to be recorded in writing, decides otherwise. According to the petitioner, in the circumstances, the licence of the petitioner should have been renewed for a period of three years from 17.11.2017. The petitioner therefore, seeks appropriate directions in this regard, in this writ petition.

2. Heard the learned counsel for the petitioner as also the learned Government Pleader.

3. The learned Government Pleader submits that the delay on the part of the licensing authority in considering the application for renewal was due to the delay on the part of the petitioner in obtaining the unique identification number required for the said purpose.

4. As rightly contended by the learned counsel for the petitioner, in terms of Section 15 of the Arms Act, if the licensing authority chooses to renew the licence, the renewal shall be for a period of three years, unless the licensing authority for reasons to be recorded in writing, decides otherwise. It is so held by this Court in **Mohammed Asharaf V.P. v. District Collector, Malappuram** [2017 (3) KLT 987]. The learned Government Pleader does not have a

case that the term of the renewal of the licence of the petitioner was confined upto 31.03.2018 by the licensing authority for reasons recorded in the order. In the circumstances, according to me, the licence of the petitioner should have been renewed by the licensing authority for the period upto 17.11.2020. The reasons for the delay on the part of the licensing authority in passing orders on the application for renewal preferred by the petitioner has nothing to do with the term of renewal.

In the circumstances, the writ petition is allowed and the licensing authority is directed to issue appropriate necessary orders modifying the term of renewal as directed, within thirty days from the date of receipt of a copy of this judgment.

sd/-

P . B . SURESH KUMAR

JUDGE

Pkk

APPENDIX

PETITIONER'S EXHIBITS:

- EXHIBIT P1: TRUE COPY OF THE LICENSE BEARING NO.294/KLM OF THE PETITIONER.
- EXHIBIT P2: TRUE COPY OF THE APPLICATION FOR RENEWAL ALONG WITH FEES REMITTANCE RECEIPT.
- EXHIBIT P3: TRUE COPY OF THE COMPUTER PRINTOUT OF THE ARMS LICENSE ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT P4: TRUE COPY OF THE CERTIFICATE ISSUED BY THE DISTRICT RIFLE ASSOCIATION OF IDUKKI AND THE IDENTITY CARD.