

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

MONDAY, THE 12TH DAY OF OCTOBER 2020/20TH ASWINA, 1942

WP(C).No.14246 OF 2020(E)

PETITIONERS:

- 1 TITUS B., AGED 52 YEARS,
S/O.K.G. BENCHAMIN, THADATHIVILA VEEDU,
T.K.M.C. KARIKODE P.O., KOLLAM DISTRICT,
PIN 691 005, NOW RESIDING AT ST. MARY'S
VILASAM, THEKKEMURI, EAST KALLADA P.O.
KOLLAM 691 502.
- 2 RADHAKRISHNAN G., AGED 48 YEARS,
S/O. GOPALAPILLAI K., HARINIVAS,
POOVATTOOR WEST, MAAVADI P.O.,
KOTTARAKKARA, KOLLAM DISTRICT 691 507.

BY ADVS.
SRI.MATHEW KURIAKOSE
SRI.J.KRISHNAKUMAR (ADOOR)
SHRI.MONI GEORGE

RESPONDENTS:

- 1 THE DISTRICT COLLECTOR & DISTRICT
MAGISTRATE,
KOLLAM, CIVIL STATION, KOLLAM, 691 013.
- 2 THE DISTRICT POLICE CHIEF,
KOLLAM 691 001.

BY GOVERNMENT PLEADER SMT RASHMI K.M.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY
HEARD ON 12.10.2020, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

J U D G M E N T

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Dated this the 12th day of October, 2020

Applications of the petitioners for renewal of arms licence have been rejected stating that licence has been sought for employment purpose and since the petitioners are engaged as Security Guards, they do not require such licence.

2. This Court in several judgments, including in W.P. (C) No.35583/2015, held that arms licence can be rejected only in accordance with Section 14 of the Arms Act. The grounds on which applications for licence are rejected as per Exts.P5 and P6 in this writ petition, are not referable to Section 14 of the Arms Act.

3. In view of the above, Exts.P5 and P6 impugned orders are set aside. There will be a direction to the 1st

respondent to renew the arms licence of the petitioners within eight weeks from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-
N. NAGARESH, JUDGE

aks/12.10.2020

APPENDIX

PETITIONERS' EXHIBITS:

- EXHIBIT P1** TRUE COPY OF THE LICENSE NO. 261/DM/DODA DATED 19.11.2009 ISSUED TO THE FIRST PETITIONER AND RENEWED FROM, TIME TO TIME.
- EXHIBIT P2** TRUE COPY OF THE CERTIFICATE DATED 20.2.2020 ISSUED BY SECUREVALUE INDIA LTD, KOLLAM.
- EXHIBIT P3** TRUE COPY OF THE LICENSE NO. 252/DMR/ARMY/2011 DATED 25.02.2011 ISSUED TO THE SECOND PETITIONER AND RENEWED FROM TIME TO TIME.
- EXHIBIT P4** TRUE COPY OF THE CERTIFICATE DATED 16.12.2019 ISSUED BY SECUREVALUE INDIA LTD. KOLLAM.
- EXHIBIT P5** TRUE COPY OF THE ORDER DATED 25.6.2020 ISSUED BY THE FIRST RESPONDENT IN RESPECT OF THE APPLICANT SUBMITTED BY THE FIRST PETITIONER.
- EXHIBIT P6** TRUE COPY OF THE ORDER DATED 25.6.2020 ISSUED BY THE FIRST RESPONDENT IN RESPECT OF THE APPLICATION SUBMITTED BY THE SECOND PETITIONER.
- EXHIBIT P7** TRUE COPY OF THE JUDGMENT DATED 25.11.2015 IN WPC NO. 35583 OF 2015 OF THIS HONBLE COURT.
- EXHIBIT P8** TRUE COPY OF THE PROCEEDINGS DATED 20.12.2019 OF THE DEPUTY COLLECTOR (GENERAL) & ADDL. DISTRICT MAGISTRATE, KOLLAM