

P Usman vs the District Collector

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Court : Kerala Orders

Decided On : Feb-14-2023

Judge : Honourable Mr. Justice Shaji P.Chaly

Appeal No. : WP(C)/4710/2023

Appellant : P Usman

Respondent : The District Collector

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE SHAJI P.CHALY
TUESDAY, THE 14TH DAY OF FEBRUARY 2023 / 25TH MAGHA, 1944
PETITIONER/S: P USMAN AGED 49 YEARS SON OF MOHAMMED,
RESIDING AT PANGINKKADAN HOUSE, KADANNAMANNA,
MANKADA, MALAPPURAM -, PIN - 679324 BY ADVS. PRAVEEN.H.
G.HARIHARAN K.S.SMITHA T.T.SHANIBA AMAL DEV D NIKITA NAIR
C.S. REVATHI P.M. ELSAMMA SEBASTIAN RESPONDENT/S: 1 THE
DISTRICT COLLECTOR COLLECTRATE RD, UP HILL, MALAPPURAM
- 676505 2 THE ADDITIONAL DISTRICT MAGISTRATE
COLLECTRATE RD, UP HILL, MALAPPURAM -, PIN - 676505 3 THE
DISTRICT POLICE CHIEF DISTRICT POLICE CHIEF BUILDING,

FEROKH PALAKKED HIGHWAY-(NH-213), UP HILL, MALAPPURAM,
PIN - 676504 4 THE STATION HOUSE OFFICER MANKADA POLICE
STATION, MANKADA POST, MALAPPURAM DISTRICT PIN-679324
SMT. RASHMI K.M., SENIOR GOVERNMENT PLEADER THIS WRIT
PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
14.02.2023, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING: -2-

JUDGMENT

This writ petition is filed by the petitioner challenging Ext.P10

order passed by the Additional District Magistrate, Malappuram

District - the 2nd respondent, dated 06.02.2023, issued under the provisions of the Indian Arms Act, 1959. According to the petitioner, the 2nd respondent has not applied his mind in issuing the said order. It is further submitted that the 2nd respondent just adopted the report of the District Police Chief and has cancelled the license issued to the petitioner.

2. The matter was heard for some time, however, later the

learned Counsel for the petitioner submitted that petitioner would file an appeal before the statutory authority as per the Act, 1959 and the rules thereto, and a direction may be issued to consider the appeal within a time frame, after the filing of an appeal by the petitioner.

3. I have heard the learned Counsel for the petitioner Sri. Praveen Hariharan, and the learned Senior Government Pleader Smt. Rashmi K.M., and perused the pleadings and materials on record. -3-

4. In view of the request made by the petitioner to withdraw the

writ petition enabling him to prefer an appeal before the Land Revenue Commissioner, this writ petition is dismissed as withdrawn. I make it clear that if the petitioner is filing any appeal within 10 days from the date of receipt of a copy

of this judgment, it shall be considered and finalized by the statutory appellate authority, within three months from the date of receipt of a copy of this judgment. Accordingly, the writ petition is dismissed as withdrawn. Sd/- SHAJI P.CHALY JUDGE uu 14.02.2023 -4- APPENDIX OF WP(C) 4710/2023 PETITIONER EXHIBITS Exhibit P1 TRUE COPY RELEVANT PAGES OF THE LICENSE BOOK GRANTING ARMS LICENSE IN FORM III ISSUED BY THE 2ND RESPONDENT THAT IS VALID UP TO 24/4/2025 Exhibit P2 TRUE COPY OF THE ORDER NUMBER A4Exhibit P3 TRUE COPY OF THE ORDER DATED 8/12/2021 PASSED IN CRL MC 5366/2021 BY THE THIS ESTEEMED COURT Exhibit P4 TRUE COPY OF THE TRAINING CERTIFICATE ISSUED UNDER RULE 10(1) OF THE ARMS RULES DATED 28/8/2022 Exhibit P5 TRUE COPY OF THE ORDER NUMBER JC4Exhibit P6 TRUE COPY OF THE CERTIFICATE ISSUED BY THE PRESIDENT OF MANKADA GRAMA PANCHAYAT DATED 22/9/2022 Exhibit P7 A TRUE COPY OF THE ORDER NUMBER 400852/RPDC14/GPO/2022/2246/(1) DATED Exhibit P8 TRUE COPY OF THE ORDER H3-11062/22 DATED Exhibit P9 TRUE COPY OF THE NOTICE DATED 25/2/2022 ISSUED BY THE 2ND RESPONDENT Exhibit P10 TRUE COPY OF THE ORDER DCMPPM/2406/2022- E4 DATED 6/2/2023 BY THE 2ND RESPONDENT