

**Ankush Rao Vs. the Collector**

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**SooperKanoon Citation :** [sooperkanoon.com/423655](http://sooperkanoon.com/423655)

**Court :** Andhra Pradesh

**Decided On :** Aug-12-1952

**Reported in :** 1953CriLJ1120

**Judge :** Palnitkar, C.J. and ;Siadat Ali Khan, J.

**Appellant :** Ankush Rao

**Respondent :** The Collector

**Judgement :**

ORDER

1. Heard arguments of parties. The facts which have given rise to this writ petition are briefly as follows:

The petitioner had in his possession a 12-bore gun for which he held a licence under the Arms Act. On 13.3.1952, the Collector of Bhir informed the petitioner that the licence for the said weapon has been cancelled and that the petitioner should deposit the rifle together with the licence and ammunition at the Police Station. Shri Anisuddin Ahmed, the learned advocate for the petitioner, argues that under Section 13, Arms Act, authority has-been given for the officer concerned to cancel or suspend the licence with regard to the arms which were licensed but Clause A of that Section makes it incumbent upon the officer to record in writing the reasons for such a cancellation and that the licence can be cancelled only when it is deemed necessary to do so in the interest of the public peace. From a

reading of the sub-section, it is clear that the licence can be cancelled when the officer deems it necessary to do so for the security of the public peace. We do not find such reasons recorded either in the report of the District Superintendent of Police dated 8.3.1952 nor in the reply dated 18.4.1952 sent by the Collector of Bhair to the Registrar of this High Court. Both these writings state that the petitioner has misused his gun and therefore the licence should be cancelled and that the petitioner is not a good citizen, Shri Anisuddin Ahmed further argues that the delivery of blows with the butt-end of the gun alleged in the report of the District Superintendent of Police is not admitted by the petitioner; but even conceding without admitting that he had done so, it is not a misuse of the gun.

2. After reading the reasons recorded by the District Superintendent of Police and the explanation given by the Collector, we are satisfied that the provisions of Section 18-A have not been complied with by the cancelling authority. That authority should have clearly recorded in so many words that the cancellation was necessary for the purposes of security of public peace. The authority having failed to record such a reason, we direct the authority concerned to reconsider the whole question in the light of the arguments of the parties and proceed according to the provisions of Section 18A already cited above. We issue a writ accordingly.