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**(1991) 01 KAR CK 0064**  
**In the Karnataka High Court**  
**Case No : C.P. No. 506/1990**

G. Devaraja

APPELLANT

Vs

The District Magistrate, Chitradurga and Another

RESPONDENT

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**Date of Decision :** 22-01-1991

**Acts Referred:**

Arms Act, 1959 — Section 17

**Citation :** (1991) 1 KarLJ 420

**Hon'ble Judges :** H. G. Balakrishna, J

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## **Judgement**

Balakrishna, J .-Civil Petition is allowed and the order passed on 14-9-1990 in W.P. No. 2132/1984 is recalled. Arguments are heard in the main petition-W.P. No. 2132/1984.

2. The learned counsel appearing for the petitioner raised only one point that the petitioner should have been heard before the authorities proceeded to cancel the gun licence.

3. Though it cannot be said that there is no application of mind by the competent authority before deciding upon cancellation of the gun licence of the petitioner, as rightly pointed out by the learned counsel for the petitioner, there is no basis to assume that the petitioner was heard before his licence was cancelled. The grant of licence is to be distinguished from revocation of existing licence. In other words, any privilege grantable under the law once bestowed cannot be withdrawn without affording an opportunity of hearing to the licensee. This is a general principle which is attracted to the facts of this case. All that the petitioner is asking is that he should be heard before a decision is taken to cancel his licence on an adverse report submitted by a subordinate authority to the concerned superior. The grievance of the petitioner is that the allegations are not made known to the petitioner and no opportunity was given to him to meet them and to persuade the licencing authority not to cancel the licence. In this regard and to that limited extent it has to be held that there is denial of natural justice. Hence the following order:

The writ petition is allowed and the impugned order of cancellation of licence vide Annexure-A is set aside reserving liberty to the competent authority to consider the question of revocation of the licence after affording a reasonable opportunity of hearing to the petitioner in regard to the allegations made against him on the basis of the proposed cancellation. The writ petition is disposed of accordingly.