
(2021) 01 KL CK 0136

In the High Court Of Kerala

Case No : Writ Petition (C) No. 5 Of 2021

M.P. Varghese @George Mundackal

APPELLANT

Vs

State Of Kerala And Ors

RESPONDENT

Date of Decision : 05-01-2021

Acts Referred:

Citation : (2021) 01 KL CK 0136

Hon'ble Judges : P.V. Asha, J

Bench : Single Bench

Advocate : D. Kishore, Meera Gopinath, R. Muraleekrishnan, Princy Xavier

Final Decision : Disposed Of

Judgement

1. The petitioner is aggrieved by the rejection of his application for renewal of license for possession of fire arms as per Ext.P5 order issued as early as on 01.12.2017. It is stated that he had submitted Ext.P6 representation before the Deputy Commissioner, Revenue Department for renewal, in the year 2019 and thereafter the Government had as per Ext.P7 letter forwarded his application to the 2nd respondent for appropriate action and the 2nd respondent in turn forwarded it to the 3rd respondent who issued Ext.P9 order on 02.11.2020 forwarding a copy of Ext.P5 order stating that the application was already rejected and license was cancelled.

2. The contention of the petitioner was that in case the Government had rejected the application or forwarded it to the 2nd respondent with a direction to treat it as an appeal, petitioner would have got his claim adjudicated properly.

3. The learned Government Pleader points out that Ext.P6 is not an appeal and that even Ext.P6 was not submitted either in time or before the appropriate authority. Pointing out the delay in approaching the authorities in accordance with the statutory provisions as also this Court, the learned Government Pleader points out that the application Ext.P6 cannot be treated as an appeal.

4. The petitioner relies on the judgment Ext.P10 and subsequent and previous judgments of this Court in which this Court has interfered with orders like Ext.P5. In the circumstances of the case, I am of the view that the petitioner can approach the 2nd respondent with a proper appeal which the 2nd respondent shall consider in accordance with law. Since the petitioner has already approached the Deputy Commissioner as well as the Government and the Government had in turn directed respondents 2 and 3, respondents 2 and 3 had also occasion to consider the same during the relevant period from 2017 to 2020, I am of the view that the delay in approaching the 2nd respondent would be liable to be condoned.

There shall be a direction to the 2nd respondent to consider the appeal if the petitioner submits the same within a period of two weeks from the date of receipt of a copy of the judgment. Orders shall be passed after affording an opportunity of hearing to the petitioner taking note of the judgments relied on by the petitioner in accordance with law within a further period of two months.

The Writ Petition is disposed of accordingly.