
(2024) 07 KL CK 0086
In the High Court Of Kerala
Case No : Writ Petition (C) No. 5212 Of 2024
N. UnneenkuttyVs District Magistrate

Date of Decision : 18-07-2024

Acts Referred:

Citation : (2024) 07 KL CK 0086

Hon'ble Judges : N. Nagaresh, J

Bench : Single Bench

Advocate : Saji Kuriachan, M.R.Nandakumar, Jayaprakash Narayanan, Arjun Anil, Binoy Davis

Final Decision : Disposed Of

Judgement

N. Nagaresh, J.

1. The petitioner is holder of an Arms licence obtained in the year 1997. The licence was obtained for self protection. The petitioner submitted application for renewal of the licence on 16.11.2021.
2. As the licence renewal application was not properly considered, the petitioner filed W.P.(C) No.27465/2023 for early disposal of the application. This Court directed the respondents to dispose of the renewal application expeditiously. The 2nd respondent-Additional District Magistrate rejected the licence application without considering Exts.P5 and P6 judgments. The petitioner therefore challenges Ext.P2 order.
3. I have heard the learned counsel for the petitioner and the learned Government Pleader representing the respondents.
4. The petitioner would argue that when he approached this Court, this Court had disposed of W.P.(C) No.27465/2023 directing the District Magistrate to pass orders in the renewal application for Arms licence considering the applicability of Exts.P5 and P6 therein. The 1st respondent did not consider Exts.P5 and P6.
5. Ext.P5 is the judgment of this Court in Chandran Nair v. Additional District Magistrate [2015 (1) KLT 41]. A reading of Ext.P2 would show that the 1st

respondent has taken note of the judgment in Chandran Nair (supra) while passing Ext.P2 order. Ext.P6 is the judgment of this Court in Ganesh Prasad v. Board of Revenue (LR) [2005 (2) KLT 645]. The District Magistrate has adverted to the judgment in Ganesh Prasad (supra) also in Ext.P2. Prima facie, the 1st respondent has complied with the directions of this Court contained in Ext.P1 judgment.

6. The petitioner has an efficacious alternate remedy against Ext.P2 order. As the petitioner has statutory appellate remedy, a writ petition is not maintainable without exhausting that remedy.

The writ petition is therefore disposed of directing that if the petitioner files a statutory appeal before the competent Appellate Authority within a period of two weeks from today, the statutory Appellate Authority shall consider the same and pass appropriate orders on merits within a further period of two months.