



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 23RD DAY OF APRIL, 2026
BEFORE
THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM
WRIT PETITION NO. 11588 OF 2026 (GM-POLICE)

BETWEEN:

MR. GREGORY F. PERES
AGED 60 YEARS
SON OF LATE MICHAEL PRES
PRESENTLY RESIDING AT
NO.301, SHANGRILA APARTMENTS
BALIKASHRAM ROAD, KANKANADY,
MANGALURU - 575 002.
DAKSHINA KANNADA
KARNATAKA
(SENIOR CITIZEN BENEFIT NOT CLAIMED)

...PETITIONER

(BY SRI. REGO L P E, ADVOCATE)

AND:

1. STATE OF KARNATAKA
HOME DEPARTMENT
VIDHANA SOUDHA
BENGALURU - 560 001.
REPRESENTED BY ITS CHIEF SECRETARY
2. THE COMMISSIONER OF POLICE
OFFICE OF THE COMMISSIONER OF POLICE
A.B SHETTY CIRCLE
MANGALURU - 575 001.
KARNATAKA
3. THE POLICE INSPECTOR,





MANGALORE EAST POLICE STATION
MANGALURU - 575 002.
KARNATAKA

...RESPONDENTS

(BY SRI. K P YOGANNA, AGA FOR R1 TO R3)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 29/03/2023 PASSED BY THE RESPONDENT NO.2 HEREIN PERTAINING TO FILE NO.MGC/MAG2/ARMS/130/219-MAG2-COMPOL-MGC WITH RESPECT TO THE FIRE ARM LICENSE OF THE PETITIONER BEARING NO.COP/MC/471/2017 (UIN:176900006133302015) WITH RESPECT TO THE NO. 12 BORE SBBL WEAPON NO. 6878/1993 HELD BY THE PETITIONER HEREIN, BEING THE ORIGINAL OF ANNEXURE-A HERETO AND ETC.,

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

Petitioner who possessed of a firearm licence is now aggrieved by the impugned Order dated 29.03.2023 passed by respondent No.2 who has declined to renew the licence on the premise that petitioner does not possess agricultural land. Consequently, a mandamus is sought.

2. Heard learned counsel for the petitioner and learned AGA appearing for the respondents. Perused the



records as well as the relevant provisions of Arms Act, 1959 (For short "the Act").

3. Before this Court proceeds to examine the legality and correctness of the impugned order passed by respondent No.2 declining renewal of the petitioner's arms licence, it would be apposite to advert to the statutory framework governing the field. In that view of the matter, Sections 14(2) and 15 of the Act are extracted hereinbelow for ready reference:

"14. Refusal of licences.-

(2) The licensing authority shall not refuse to grant any licence to any person merely on the ground that such person does not own or possess sufficient property.

15. Duration and renewal of licence.-

(1) A licence under section 3 shall, unless revoked earlier, continue in force for a [period of five years] [Substituted 'period of three years' by Act No. 48 of 2019, dated 13.12.2019.] from the date on which it is granted: Provided that such a licence may be granted for a shorter period if the person by whom the licence is required so desires or if the licensing authority for reasons to be recorded in writing considers in any case that the licence should be granted for a shorter period.



[Provided further that the licence granted under section 3 shall be subject to the conditions specified in sub-clauses (ii) and (iii) of clause (a) of sub-section (1) of section 9 and the licensee shall produce the licence along with the firearm or ammunition and connected document before the licensing authority after every five years from the date on which it is granted or renewed.] [Inserted by Act No. 48 of 2019, dated 13.12.2019.]

(2) A licence under any other provision of Chapter II shall, unless revoked earlier, continue in force for such period from the date on which it is granted as the licensing authority may in each case determine.

(3) Every licence shall, unless the licensing authority for reasons to be recorded in writing otherwise decides in any case, be renewable for the same period for which the licence was originally granted and shall be so renewable from time to time, and the provisions of sections 13 and 14 shall apply to the renewal of a licence as they apply to the grant thereof."

4. It would also be profitable to advert to Rule 14 of the Arms Rules, 2016, which prescribes the procedure and timelines for consideration of applications, including renewal. The same is extracted hereunder:

"14. Time limit for police report for grant of licenses.

(1) On receipt of an application for grant of a license under sub-section (1) of section 13 or every



subsequent renewal thereof under section 15, the licensing authority shall call for a report of the officer-in-charge of the nearest police station on that application, and such officer shall send his report in Form S-4, within a period of thirty days from the date of receipt of application by him.

(2) The Central Government may by issuance of a general or special order, extend the period of thirty days as specified in sub-rule (1) up to ninety days for certain areas or States for any reason deemed appropriate by it.

(3) The licensing authority may in case of non-receipt of police report within the period of thirty days under sub-rule (1) or within the extended period under sub-rule (2), make an order in writing for grant or refusal of license, without further waiting for the report."

5. On a conjoint and harmonious reading of the aforesaid statutory provisions, what unmistakably emerges is that the legislative intent underlying Section 14(2) is to prohibit arbitrary refusal of a licence on wholly extraneous considerations such as ownership or possession of property. The said embargo, though couched in the context of grant of licence, is, by virtue of Section 15(3), equally attracted while considering renewal, inasmuch as the provisions governing grant stand incorporated into the



renewal regime. Therefore, the licensing authority, while exercising jurisdiction under Section 15, is bound to adhere to the same statutory discipline as is applicable at the stage of grant under Sections 13 and 14.

6. In the present case, the material on record would disclose that the petitioner had been holding a valid arms licence for nearly three decades. The continuity of such licence over a considerable period, in the absence of any adverse material relating to misuse or threat perception, constitutes a relevant factor which ought to have weighed with the authority while considering renewal. However, a perusal of the impugned order would reveal that renewal has been declined solely on the premise that the petitioner does not own agricultural land. Such a reason, in the considered view of this Court, is not only extraneous but is in the teeth of the statutory interdiction contained in Section 14(2) of the Act.



7. The licensing authority has thus imported a condition which is alien to the scheme of the Act and Rules. The requirement of ownership of agricultural land is neither a statutory precondition nor a permissible consideration. When the statute expressly mandates that lack of property shall not be a ground for refusal, the authority cannot indirectly achieve what is directly prohibited. Such reasoning is manifestly arbitrary and suffers from patent illegality.

8. Further, Section 15(3) engrafts a presumption in favour of renewal, subject to reasons to be recorded in writing for refusal. The said provision, when read in its true purport, casts an obligation on the authority to justify refusal on legally sustainable grounds. In the case on hand, the reason assigned does not satisfy the test of legality or reasonableness and therefore cannot be sustained in the eye of law.



9. In that view of the matter, this Court is of the considered opinion that the impugned order is vitiated by non-application of mind, misinterpretation of statutory provisions and reliance on irrelevant considerations. Consequently, the order impugned is liable to be set aside. The petitioner, having established infringement of a statutory right, has made out a clear case for issuance of a writ of mandamus.

10. For the foregoing reasons, this Court proceeds to pass the following:

ORDER

(i) The writ petition is ***allowed***;

(ii) The impugned order dated 29.03.2023 passed by respondent No.2 vide Annexure-A is quashed and set aside;

(iii) Respondent No.2 is directed to reconsider the petitioner's application for renewal of arms licence submitted under Section 15 of the Act, strictly in accordance with law and in the



light of the observations made hereinabove, without insisting upon production of documents relating to ownership or possession of agricultural land;

(iv) Such reconsideration shall be undertaken and completed within an outer limit of two (2) weeks from the date of receipt of a certified copy of this order;

(v) Till such reconsideration, the respondents shall not precipitate any coercive action against the petitioner in respect of the subject licence, if otherwise in order.

**Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE**

CA
List No.: 1 Sl No.: 67