

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THE HON'BLE SRI JUSTICE VAKITI RAMAKRISHNA REDDY

WRIT PETITION No.42069 of 2015

Date: 16.03.2026

Between:

K. Ganesh Rao

... Petitioner

And

The State of Telangana,
Represented by its Principal Secretary,
Home Department (Arms),
Secretariat, Hyderabad and three others

... Respondents

ORDER:

The present writ petition is filed seeking issuance of a Writ of Mandamus declaring the Proceedings No.H1/90/2008, dated 07.11.2013, issued by the 2nd Respondent, whereby the renewal of the petitioner's Arms Licence bearing No. 1/2003, was rejected, as illegal, arbitrary, irrational, without proper application of mind, actuated by malafides, and in violation of fundamental and Constitutional Rights guaranteed under Articles 14, 19 and 21 of the Constitution of India. Consequently, the petitioner seeks to set-aside the said proceedings and to direct the 2nd respondent to renew the petitioner's Arms licence besides passing such other order or orders as are deemed fit and proper in the circumstances of the case.

BRIEF FACTS

2. The brief facts of the case are that the petitioner is a citizen of India, residing at Mahabubnagar Town and District, and is serving as the General Secretary of Mahabubnagar District Palamoori Migrant Labour Union, a trade union registered under the Trade Unions Act, 1926, bearing Registration No. A-1868 of the year 1991. Since its inception, the Union has been working for the welfare of un-organised migrant labourers engaged in the construction industry. In recognition of the petitioner's contribution towards the welfare of migrant labourers, the then Government of Andhra Pradesh honoured him with the prestigious "Shramashakthi Award" on 01.05.2010.

3. Mahabubnagar District is one of the most backward and drought-prone districts in India with poor socio-economic indicators and lack of irrigation facilities. Due to recurring droughts and limited agricultural opportunities, large-scale seasonal migration of labourers, popularly known as "Palamoori Labourers," has become inevitable. These labourers, predominantly belonging to Scheduled Castes and Scheduled Tribes, are often exploited by contractors across various States. The petitioner's Union actively works across regions to safeguard their minimum wages, provision of basic amenities and protection of their legal

entitlements, often resorting to judicial remedies where administrative mechanisms fail. Due to his extensive involvement in trade union activities and advocacy for migrant labourers, the petitioner has been exposed to serious threats from contractors, rival unions, political elements and antisocial forces.

4. In view of the grave threat to his life, the petitioner applied for grant of an Arms licence for self-defence. After due verification and upon recommendations of the competent authorities, the respondent No.2 granted Arms Licence bearing No.1/2003 on 12.03.2003 in favour of the petitioner. The licence was renewed periodically and remained valid up to 31.12.2006. During the entire period of its validity, the petitioner never misused the weapon nor violated any licence conditions and no criminal case or complaint was ever registered against him.

5. The petitioner applied for renewal of the Arms licence on 27.12.2006 by following due procedure and paying the prescribed fee. As no decision was taken, the petitioner approached this Court by filing W.P. No.5795 of 2007, which was disposed of with a direction to the respondents to consider the application made by the petitioner. However, the renewal was rejected on 19.05.2007 citing non-recommendation by the police authorities. Subsequent writ petitions and statutory appeals preferred by the petitioner

came to be rejected mechanically despite absence of any material indicating misuse of the weapon.

6. Ultimately, in W.P. No.18971 of 2010, this Court by order dated 24.04.2013 held that there was no material to establish misuse of the weapon by the petitioner and directed the respondent No.2 to reconsider the renewal application afresh within six weeks by passing a reasoned order after affording opportunity to the petitioner. Despite submission of a detailed explanation and supporting documents, the respondent No.2 passed the impugned proceedings dated 07.11.2013 without proper consideration, which has led to filing of the present writ petition.

7. Respondent No.2, filed a counter affidavit denying the averments made in the writ petition and contended that there was no willful or deliberate disobedience of the orders passed by this Court. It is stated that the petitioner was originally granted an Arms licence in the year 2003, which was renewed up to 31.12.2006, and his subsequent application for renewal was rejected based on adverse reports and non-recommendation by the police authorities. It is further contended that the Mahaboobnagar District is sensitive owing to Maoist activities and there exists a serious risk of licenced weapons being misused or snatched by

antisocial elements, thereby affecting public safety and order. It is also submitted that subsequent writ petitions and appeals were considered in accordance with law and appropriate opportunities were afforded to the petitioner. Pursuant to the directions of this Court to reconsider the matter, notice was issued, the petitioner was heard, and relevant reports including threat perception were obtained before passing final orders.

8. Heard Sri P. Sashi kiran, learned counsel for the petitioner, Sri Sridhar Bhuvangiri, learned Assistant Government Pleader for Home appearing for the respondents and perused the record.

Submissions on behalf of the petitioner.

9. It is emphasized by the learned counsel for the petitioner that the State is constitutionally obligated to protect the life and liberty of its citizens, and cannot by its own action, deprive the Petitioner of the right to life and the right to self-defense. It is submitted that the rejection of the petitioner's application is arbitrary and discriminatory, particularly when a large number of persons in the district possess Arms licences for self-protection, and the petitioner stands on no different footing.

10. Learned counsel further submitted that the Respondent No.2, despite acknowledging that Mahabubnagar District is a

Naxal-affected area, failed to renew the petitioner's licence based on vague, unsubstantial and bald allegations without any supporting material on record. Although the order was passed in November, 2013, the petitioner could not challenge it immediately because, two months prior thereto, his elder son, who was then in his 3rd year of B.Tech, was diagnosed with a small intestine tumor. The Petitioner had to remain with his son during his six-month chemotherapy treatment, which unfortunately culminated in his demise on 26th August 2015. Consequently, the delay in filing the writ petition is bonafide justified.

11. It is further submitted that although a statutory appeal lies to the 1st Respondent under Section 18 of the Arms Act, 1959 (for short "the Act"), the impugned order is contrary to the grounds required for refusal under the Act, thereby justifying invocation of writ jurisdiction of this Court. As evidenced from earlier orders passed by the Respondent No.1, there has been repeated rejection of the petitioner's applications since 2007 without proper appreciation of the facts and circumstances.

12. It is also submitted that there are no cases registered against the petitioner, nor are any criminal cases pending against him. In these circumstances, unless the impugned proceedings are set aside and a direction is issued for renewal of the petitioner's Arms

licence, the petitioner would suffer grave and irreparable loss. Thus, it is prayed that this Hon'ble Court may direct the Respondent No.2 to renew the petitioner's Arms License No.1/2003.

Submissions on behalf of the Respondent:

13. Per contra, the learned Government Pleader appearing for the Respondents contended that the Petitioner was granted Arms Licence No.1/2003, renewed up to 31.12.2006, and applied for further renewal on 27.12.2006. The renewal was rejected on the ground that the weapon was being misused for extortion, as per the Collector's Report and subsequent recommendations of the Superintendent of Police. It is further submitted that Mahabubnagar District is severely affected by Maoist activities and anti-social elements, creating a high risk of licenced weapons being snatched and misused, thereby endangering public safety and peace. It is contended that previous appeals and writ petitions filed by the Petitioner were either dismissed or remanded, and all directions issued by this Court were duly complied with, including affording the petitioner an opportunity of hearing

14. It is further submitted that the final order dated 07.11.2013, which declined renewal of the license, was passed after receipt of the Threat Perception Report on 01.11.2013.

POINT FOR THE DETERMINATION:

15. On the basis of the pleadings, rival contentions and the material placed before this Court, the only point that arises for consideration is:

“Whether the impugned proceedings dated 07.11.2013 issued by the 2nd respondent declining renewal of the petitioner’s Arms License No.1/2003, suffer from arbitrariness or non-application of mind or illegality so as to warrant interference by this Court under Article 226 of the Constitution of India?”

ANALYSIS AND FINDINGS:

16. The material facts are largely undisputed. The petitioner, a resident of Mahabubnagar District, was granted an Arms License bearing No.1/2003 by the competent authority on 12.03.2003, which was duly renewed from time to time and remained valid up to 31.12.2006. It is also undisputed that the petitioner applied for renewal of the said license on 27.12.2006 by following the prescribed procedure. During the entire period of validity of the license, no criminal case was registered against the petitioner and there was no allegation of violation of any license conditions. It is further not in dispute that the renewal application was rejected on 19.05.2007 and that the petitioner had challenged the same before this Court on earlier occasions. By order dated 24.04.2013 passed in W.P. No.18971 of 2010, this Court directed the respondent No.2

to reconsider the renewal application afresh after affording an opportunity of hearing to the petitioner. Pursuant to the said directions, the respondent No.2 passed the impugned proceedings No.H1/90/2008 dated 07.11.2013 rejecting the renewal of the arms license, which is the subject matter of challenge in the present writ petition.

17. It is apposite to note that under Section 13(3) of the Arms Act, 1959, the licensing authority is empowered to grant a license where the applicant establishes a valid reason, and satisfies the authority regarding his antecedents through verification and enquiry. Conversely, Section 14(1)(b) enumerates specific grounds on which a licence may be refused, namely, where the applicant is found unfit or where refusal is necessary in the interest of public peace or safety. The statute mandates that such refusal must be supported by reasons recorded in writing, thereby ensuring transparency and fairness in administrative decision-making.

18. At this juncture, it is relevant to have a glance at appropriate portion of the impugned order, which is extracted here under to ascertain the reason for not renewing the arms license of the petitioner:

'The Superintendent of Police, Mahabubnagar, vide reference 7th cited, has submitted threat perception report stating that the applicant Sri Ganesh Rao is inhabitant of Seshadrinagar Colony of

Mahabubnagar Town and he is General Secretary of Palamoori Migration Labour Union of Mahabubnagar District and he used to move in remote areas, other states as well as extremist effected areas to solve labour problems. It is further stated that in view of the Maoist movements and increase of house burgalaries, there are chances of snatching of weapon by the Maoists and antisocial elements and the applicant is not capable of handling and also to safeguard the weapon and for the above reasons and in order to safeguard the weapon from going into the hands of the antisocial elements/Maoists, all the licensed weapons are deposited with the police and it is not recommended for renewal of arms license in favour of the applicant.'

19. A perusal of the above extract discloses that the renewal of Arms license of the petitioner was refused only on a general apprehension that the petitioner may not be able to safeguard the weapon and there is every chance of the weapon falling into the hands of anti-social elements or Maoists. While, it is not in dispute that the area, where the petitioner is residing is affected by extremist activity, it is equally significant that the very same circumstances existed when the Arms license was initially granted in favour of the petitioner and when it was subsequently renewed on earlier occasions. The respondents have failed to demonstrate any change in circumstances warranting a differenct conclusion at the state of renewal. It has been categorically submitted by the petitioner that because of his trade union activities, political parties, contractors, rival trade unions and all other anti-social elements, have developed an eyesore and it became difficult to him

for moving one place to other because of serious threat posing from various quarters. It is pertinent to note that the petitioner lodged a complaint on 01.05.1993 alleging that he was attacked with weapons and in this connection a case in Crime No.84/1993 was also registered before MBNR-II Town Police station. This circumstance was cited by the petitioner to demonstrate the existence of threat to his personal safety.

20. The learned counsel for the petitioner placed reliance on the decision in *Syed Afzal Mehdi v. State of A.P.*¹, wherein it was held that:

“27. It is thus, indubitable that the right of a citizen to protect himself, his family and property are integral part of right to life punted by Article 21 of the Constitution, subject to the limitations contained therein. In asserting such a right, every citizen has a right to apply for us arms bcence. While considering such application, the licensing authority shall not only keep in view the statutory provisions of the Act, but also the constitutional parameters relating to the applicant's fundamental right to life.”

21. It was further held in the said decision that the test to be applied by the licensing authority in considering grant of Arms licence is whether the applicant is a law-abiding citizen with clean antecedents leading a peaceful life without any criminal record and whether any circumstances exist by which it can be reasonably presumed that there is a potential danger of misuse of the weapon

¹ Writ Petition No.1780 of 2009 decided on 31.05.2010

leading to breach of peace and safety of the society. Once these two tests are satisfied an application for grant of licence shall not ordinarily be rejected.

22. In *Mohd. Bin Salam v. State of Telangana*² this Court observed as under:

“Though the allegation of misuse of licence is made against the petitioner, no material to that effect is produced either before this Court or before respondents 1 and 2. Grant of license and renewal of licence are two different aspects. Renewal of licence is regulated under Section 17 of the Arms Act. In the common judgment in W.P.Nos.25169 and 25177 of 2012 dated 02.06.2017 this Court held that mere involvement of a person in criminal case cannot be a ground for non-renewal of licence. On comparison of fact situation in the above judgment, the case of the petitioner stands on a better footing, as the petitioner is, admittedly, not figured as an accused in any of the criminal cases. Further, so far as threat perception is concerned, the same cannot be a ground for non-renewal of license as held by order of this Court dated 12.06.2009 in W.P.No.8711 of 2019.”

23. Similarly, in *Sri Mohammed Areebuddin vs. Sri Dr. Jithendar*³ this Court held that:

“9. Coming to the facts of the present case, both the reports sent by the third respondent would disclose that the petitioner is not involved in any criminal case nor his credentials are doubtful and granting of arms license would lead to breach of peace and safety of the society. In the absence of the specific reasons being assigned by the first respondent in confirming the orders of the second respondent, this Court is of the considered opinion that both the

² TSHC: W.P.No.5858/2018 decided on 31.10.2022

³ W.P.No.18183 of 2023

orders are liable to be set aside. Accordingly, both the orders are set aside and the second respondent is directed to call for fresh report from the third respondent and consider the case of the petitioner for granting of Arms License in accordance with the provisions of the Act and the Rules made thereunder within a period of four (4) weeks from the date of receipt of a copy of this order.”

24. As held in *Syed Afzal Mehdi's case (supra)*, vague considerations such as population density or communal sensitivity, without supporting material demonstrating likelihood of misuse or threat to public peace, do not fall within the scope of Section 14(1)(b) of the Arms Act. In the absence of any finding that the petitioner is unfit or that renewal of the licence would endanger public safety, the discretionary power exercised by the licensing authority appears to rest on assumptions rather than objective satisfaction.

25. In *Syed Afzal Mehdi's case (supra)*, it was recognized that the right of a citizen to protect himself, his family, and his property is an integral component of the right to life, though subject to reasonable restrictions imposed by law. Therefore, while possession of Arms is not absolute fundamental right, administrative authorities are duty-bound to consider applications for arms licenses in a manner that is fair, reasonable, and non-arbitrary.

26. The contention of the respondents that the weapon was misused for extortion is founded solely on a report of the Collector and recommendations of the Superintendent of Police. However, no material has been placed to show initiation of criminal proceedings, registration of a case, or any independent enquiry establishing such misuse. In the absence of corroborative evidence, such allegations remain unsubstantiated and cannot, by themselves, form the basis for refusal of renewal under Section 14 of the Act.

27. In *Ganesh Chandra Bhatt v. District Magistrate, Almora and other*⁴ the High Court of Allahabad observed that whenever an application for a licence for a non-prohibited Arm is made, and it is not disposed of within 3 months, it will be deemed to have been allowed on the expiry of 3 months. It is necessary to make this direction because the experience of this court is that often directions are given to dispose of an application within a specific period yet the application is not disposed of and then either a contempt petition or another writ petition has to be filed, causing further delay, expense and harassment to the applicant. No doubt there is no provision in the Arms Act or Rules stating that if the application is not disposed of within a specific period it will be

⁴ AIR 1993 allahabad 291

deemed to be allowed, but this does not mean that the licensing authority can sit tight over the matter for long periods.

28. Even in the instant case, the petitioner submitted application for renewal of his Arms licence on 27.12.2006. As no action was taken on the said application, the petitioner was constrained to approach this Court in W.P.No.5795 of 2007 on 24.02.2007 and only after a specific direction from the Court, the respondent disposed of the application on 19.05.2007. Thus, the respondents have taken almost five months to dispose of the application of the petitioner.

CONCLUSION:

29. In view of the aforesaid discussion and upon a comprehensive consideration of the statutory framework under the Arms Act, 1959, particularly Sections 13 and 14, it is clear that while the grant or renewal of an arms licence is subject to regulatory control, refusal must be strictly based on the cogent and objective material falling within the grounds enumerated under Section 14(1)(b) of the Arms Act. As held in *Syed Afzal Mehdi* (supra), the test to be applied is whether the applicant is a law-abiding citizen with clean antecedents and whether there is no reasonable material to presume potential misuse affecting public peace or safety; once these parameters are satisfied, rejection

should not be based on vague or extraneous considerations such as absence of “genuine need.” Similar principles were reiterated in *Sri Mohammed Areebuddin’s case (supra)* and *Kolan Narasimha Reddy’s case (supra)*, wherein it was held that in the absence of specific adverse material relating to the applicant, refusal cannot be sustained on generalized apprehensions.

30. In the present case, admittedly no criminal case was registered against the petitioner during the currency of the licence, no violation of licence conditions is established, and no concrete material is placed to substantiate the allegation of misuse. The impugned order appears to rest merely on general law and order concerns and unsubstantiated apprehensions, which do not satisfy the statutory requirements of Section 14(1)(b) of the Arms Act. Such an order, lacking objective reasons and reflecting lack of proper application of mind, is arbitrary and violative of Article 14 of the Constitution of India. Further, when the right of a citizen to seek protection of life and property, an aspect of the right to life guaranteed under Article 21 of the Constitution of India, is adversely affected without lawful justification, such an action cannot withstand constitutional scrutiny. Accordingly, this Court holds that the rejection of renewal of Arms Licence No.1/2003 of the petitioner is illegal, arbitrary and unsustainable in law.

31. For the foregoing reasons, the writ petition is allowed. The impugned proceedings dated 07.11.2013 are set aside. Consequently, the respondent No.2 is directed to renew the petitioner's Arms Licence bearing No.1/2003 subject to compliance with statutory requirements within a period of four weeks from the date of receipt of this order. There shall be no order as to costs.

As a sequel, miscellaneous petitions pending if any shall stand closed.

VAKITI RAMAKRISHNA REDDY, J

Date: 16.03.2026
AS