

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE MR.JUSTICE C. JAYACHANDRAN

Thursday, the 26th day of March 2026 / 5th Chaithra, 1948
WP(C) NO. 11762 OF 2026

PETITIONER:

ANAND M.S., AGED 47 YEARS, S/O. MANOHARAN MANMADAN, RESIDING AT
46/2914, "UNIVERSE" MADATHIPRAMBU ROAD, VENNALA, ERNAKULAM DISTRICT,
PIN-682028.

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY ITS CHIEF SECRETARY, DEPARTMENT OF HOME AFFAIRS, GOVT.SECRETARIAT, THIRUVANANTHAPURAM, PIN-695001.
2. DISTRICT COLLECTOR, DISTRICT MAGISTRATE (CHAIRMAN SCREENING COMMITTEE) ERNAKULAM, COLLECTORATE, CIVIL STATION, KAKKANAD, ERNAKULAM DISTRICT, PIN-682030.
3. STATION HOUSE OFFICER, PALARIVATTOM POLICE STATION, PALARIVATTOM, ERNAKULAM DISTRICT, PIN-682025.
4. ELECTION COMMISSION OF INDIA, REPRESENTED BY ITS SECRETARY, NIRVACHAN SADHAN, ASHOKA ROAD, NEW DELHI, PIN-110001.
5. THE KERALA STATE ELECTION COMMISSION, REPRESENTED BY ITS SECRETARY, VIKAS BHAVAN, JANAITHAM, NEAR LEGISLATIVE ASSEMBLY, THIRUVANANTHAPURAM, PIN-695033.
6. THE DISTRICT POLICE CHIEF, (KOCHI CITY), OFFICE OF THE COMMISSIONER OF POLICE, KOCHI CITY, ERNAKULAM DISTRICT, PIN-682011.

Writ Petition (Civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to stay the operation of the impugned order No.DCEKM/2626/2026-M3 dated 21-03-2026 (Exhibit P7) and direct the concerned respondent authority to forthwith return the firearms belonging to the petitioner.

This Petition coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S. K. SANEESH KUMAR, V.B. SANTHINI & RADHIKA RAMACHANDRAN, Advocates for the petitioner and of SRI. DEEPU LAL MOHAN, STANDING COUNSEL for R5, the court passed the following:

C. JAYACHANDRAN, J.

W.P.(C).No.11762 and 11913 of 2026

Dated, this the 26th day of March, 2026

O R D E R

In both these cases, the respective petitioners are aggrieved by Orders passed by the District Collector, calling upon them to surrender their arms, namely, revolver/pistol. Learned Government Pleader would submit that the said Orders are produced at Ext.P7 in W.P.(C).No.11762/2026 and Ext.P6 in W.P.(C).No.11913/2026.

2. Learned Government Pleader would submit that Ext.P7 is issued pursuant to Ext.P8 guidelines [W.P.(C).No.11762/2026] issued by the Election Commission of India, inasmuch as the elections have already been declared in the State.

3. Sri.M.Ajay, the learned Standing Counsel for the 4th respondent/Election Commission of India would submit that Ext.P8 is only the guidelines and Orders have to be issued after satisfying the requirements and stipulations in the guidelines.

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4. Having heard the learned counsel for the petitioners and also the learned counsel for the respondents, this Court notice that clause-F of Ext.P8 guidelines is relevant and extracted here below:

“F.DEPOSIT OF LICENSED ARMS-

(i) Immediately after the announcement of elections, District Magistrates shall make a detailed and individual review and assessment, in accordance with the prevalent State Laws, of all license holders so that licensed arms in those cases where they consider it essential are impounded in order to ensure maintenance of law and order and conduct of free and fair elections. The cases which may need inter alia special review are:

(a) Arms licence of persons released on bail.

(b) Arms licence of persons having a history of criminal offences, and

(c) Arms licence of persons previously involved in rioting at any time but especially during the election period.

(d) Arms license of persons involved in election offences of any kind.”

5. It is clear from the above that what is required is to undertake a detailed and individual review and assessment as

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to whether the arms are required to be impounded, in order to ensure maintenance of law and order and conduct of free and fair elections. A special review is contemplated in respect of persons, who are released on bail and who are holding arms licenses; persons having history of criminal offences; and persons who have previously involved in rioting, etc. It is noticed that no such application of mind in respect of a detailed and individual review is exhibited in Ext.P7 Order. *Per contra*, Ext.P7 Order mandates in paragraph no.3 that those who are holding license will have to make application before the screening committee, detailing their specific necessity to retain the arms. Impounding can be ordered only if the authority is satisfied - after a detailed and individual review and assessment - that it is necessary to maintain law and order, as also, for conduct of free and fair elections. This duty cannot be abdicated by fixing the responsibility on the license holders to show special reasons as to why their arms should not be impounded.

6. In the light of the above circumstances and particularly on the aspect that there is no detailed and individual review

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and assessment reflected in Ext.P7, this Court stays Ext.P7, insofar as it pertains to the respective petitioners in these cases. It is clarified that the petitioners are not duty bound to surrender their respective arms.

Let these matters be posted on 02.06.2026.

Sd/-

C. JAYACHANDRAN, JUDGE

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APPENDIX OF WP(C) 11762/2026

- Exhibit P1** A TRUE COPY OF THE TRAINING CERTIFICATE ISSUED BY CHERIAN.K. KALARICKAL IN FORM S-1 FOR THE PURPOSE OF ISSUANCE OF GRANT OF APPROVAL FOR THE USAGE OF FIRE ARMS DATED 1.3.2023.
- Exhibit P2** A TRUE COPY OF THE JUDGMENT OF THIS HONOURABLE COURT IN WP(C)37090/2024 DATED 6.11.2024.
- Exhibit P3** A TRUE COPY OF THE LICENSE ISSUED UNDER ARMS ACT 1959 BY THE 2ND RESPONDENT IN FAVOUR OF THE PETITIONER DATED 13.10.2025.
- Exhibit P4** A TRUE COPY OF THE GOVERNMENT ORDER BEARING G.O.(RT)NO.403/2026/HOME DATED 02-02-2026 ISSUED BY THE HOME DEPARTMENT, STATE OF KERALA
- Exhibit P5** A TRUE COPY OF THE LICENSE HAVING THE 'ALL INDIA' VALIDITY ISSUED BY THE 2ND RESPONDENT DATED 23.2.2026 TO THE PETITIONER.
- Exhibit P6** A TRUE COPY OF THE REPRESENTATION DATED 17.3.2026 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT
- Exhibit P7** A TRUE COPY OF THE ORDER NO. DCEKM/2626/2026-M3 DATED 21-03-2026 ISSUED BY THE 2ND RESPONDENT
- Exhibit P8** A TRUE COPY OF THE LETTER ISSUED BY THE ELECTION COMMISSION OF INDIA DATED 8.6.2023.

