



2026:KER:27351

[WP(C) Nos.10529/2026, 12394/2026]

1

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C. JAYACHANDRAN

FRIDAY, THE 27TH DAY OF MARCH 2026 / 6TH CHAITHRA, 1948

WP(C) NO. 10529 OF 2026

PETITIONER:

N.P.KUNHIKANNAN,
AGED 76 YEARS
S/O. P.KUMARAN, NALUPURAPPATHIL HOUSE, KADANNAPPALLI
P.O., PILATHARA. (VIA), KANNUR DISTRICT., PIN - 670504

BY ADV SMT.P.SHEEBA

RESPONDENTS:

- 1 STATE OF KERALA,
REPRESENTED BY CHIEF SECRETARY, GOVERNMENT SECRETARIAT,
THIRUVANNANTHAPURAM, PIN - 695001
- 2 THE DISTRICT COLLECTOR,
CIVIL STATION, THAVAKKARA, KANNUR, PIN - 670002
- 3 DISTRICT POLICE CHIEF,
COLLECTORATE, THAVAKKARA, KANNUR, PIN - 670002
- 4 STATION HOUSE OFFICER,
PARIYARAM MEDICAL COLLEGE POLICE STATION, PARIYARAM,
KANNUR DT, PIN - 670503
- 5 THE CHIEF ELECTORAL OFFICER,
ELECTION DEPARTMENT, KERALA LEGISLATIVE COMPLEX, VIKAS
BHAVAN P.O., THIRUVANANTHAPURAM., PIN - 695033

BY ADV SHRI.M.AJAY, SC, ELECTION COMMISSION OF INDIA



2026:KER:27351

[WP(C) Nos.10529/2026, 12394/2026]

2

GP-SMT.VIDHYA A.C.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27.03.2026, ALONG WITH WP(C).12394/2026, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



2026:KER:27351

[WP(C) Nos.10529/2026, 12394/2026]

3

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE C. JAYACHANDRAN

FRIDAY, THE 27TH DAY OF MARCH 2026 / 6TH CHAITHRA, 1948

WP(C) NO. 12394 OF 2026

PETITIONER:

RONY JOHN,
AGED 41 YEARS
S/O. K.J. JOHN, KUZHINJALIL HOUSE, SENGULAM P.O.,
POTHUPARA, IDUKKI, PIN - 685565

BY ADVS.
SMT.ASWINI SANKAR R.S.
SRI.P.YADHU KUMAR
SMT.ASWATHY MENON
SMT.SIMMY JOSEPH

RESPONDENTS:

- 1 ELECTION COMMISSION OF INDIA,
NIRVACHAN SADAN, ASHOKA ROAD, NEW DELHI, REPRESENTED BY
ITS SECRETARY, PIN - 110001
- 2 THE STATE ELECTION COMMISSION, KERALA,
CORPORATION OFFICE COMPLEX, VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM, PIN - 695033
- 3 THE DISTRICT COLLECTOR,
IDUKKI DISTRICT, PAINAVU P.O., IDUKKI, PIN - 685603
- 4 THE STATION HOUSE OFFICER,
VELLATHOOVAL POLICE STATION, IDUKKI, PIN - 685563



2026:KER:27351

[WP(C) Nos.10529/2026, 12394/2026]

4

BY ADV SHRI.DEEPULAL MOHAN, SC, STATE ELECTION
COMMISSION, KERALA

GP-SRI.AJITH VISWANATHAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
27.03.2026, ALONG WITH WP(C).10529/2026, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:



2026:KER:27351

[WP (C) Nos.10529/2026, 12394/2026]

5

JUDGMENT

Both these petitioners approached this Court aggrieved by a phone call received from the S.H.O. concerned, calling upon the petitioners to surrender their arms in accord with the guidelines issued by the Election Commission of India (produced at Ext.P2) in W.P.(C).No.12394/2026. This Court notice that the S.H.O. concerned (the 4th respondent in both the cases) cannot mandate surrender of arms through a phone call. Ext.P2 guidelines requires deliberation by the competent Authority on an individual basis, a review and an assessment, whereafter an Order has to be passed calling upon the licence holders to surrender their arms. This Court has considered the issue recently in W.P.(C).No.11762/2026.

2. In the circumstances, it is clarified that the petitioners are not under any obligation to surrender their arms based on phone call by the 4th respondent. The competent Authority in terms of Ext.P2 guidelines will pass necessary Orders, if the petitioners are required to surrender their arms. While passing such Orders, the impact of the judgment



2026:KER:27351

[WP (C) Nos.10529/2026, 12394/2026]

6

in W.P.(C).No.11762/2026 dated 26.03.2026 shall necessarily be considered by the competent Authority and directions, if any, for surrender shall be in strict compliance of Ext.P2 guidelines and its interpretation in the judgment above referred.

3. The learned counsel for the respective petitioners have pointed out that their respective arms have been deposited because of the pressure exerted by the respective S.H.Os. In W.P.(C).No.10529/2026, it was deposited before the 4th respondent and in W.P.(C).No.12394/2026, the same has been deposited before a private armoury, evidenced by Ext.P5 receipt. Inasmuch as the deposit is mandated otherwise than in accordance with law, the 4th respondent in W.P.(C).No.10529/2026 will stand directed to return the arm to the petitioner within a period of two days from today. The learned Government Pleader will give necessary instructions in this regard. Similarly, the private armoury by name 'Samson Armoury', which issued Ext.P5 receipt, will also stand directed to return the arm to the petitioner in W.P.(C).No.12394/2026 within two days from today. The 4th respondent/S.H.O. in that case will stand directed to give



2026:KER:27351

2026:KER:27351

[WP(C) Nos.10529/2026, 12394/2026]

7

necessary instruction in this regard to the said private armoury for return of the arm, as directed above.

4. Learned Government Pleader will inform the gist of this judgment to the 4th respondent in both the writ petitions, today itself.

These Writ Petitions will stand allowed as indicated above.

Sd/-

C. JAYACHANDRAN
JUDGE

SAS



2026:KER:27351

[WP(C) Nos.10529/2026, 12394/2026]

8

APPENDIX OF WP(C) NO. 10529 OF 2026

PETITIONER'S EXHIBITS

Exhibit P1	A TRUE COPY OF THE CURRENT LICENSE NO.LN18318A7A19817 DATED 18.06.2024 WHICH IS VALID UP TO 17.6.2029 ISSUED BY THE SECOND RESPONDENT FOR POSSESSION OF WEAPON
Exhibit P2	A TRUE COPY OF THE JUDGMENT DATED 10.1.2011 IN W.P (C) NO.9933/2009 PASSED BY THIS HON'BLE COURT
Exhibit P3	A TRUE COPY OF THE JUDGMENT DATED 18.3.2011 IN W.P (C).8571/2011 PASSED BY THIS HON'BLE COURT



2026:KER:27351

2026:KER:27351

[WP(C) Nos.10529/2026, 12394/2026]

9

APPENDIX OF WP(C) NO. 12394 OF 2026

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF THE ARMS LICENCE DATED 01.09.2023 ISSUED TO THE PETITIONER
Exhibit P2	TRUE COPY OF THE GUIDELINES ISSUED BY THE FIRST RESPONDENT HEREIN DATED 08.06.2023
Exhibit P3	TRUE COPY OF THE PERMISSION GRANTED TO THE PETITIONER FROM THE VELLATHOOVAL GRAMA PANCHAYATH DATED 31.01.2026
Exhibit P4	TRUE COPY OF THE PERMISSION GRANTED TO THE PETITIONER FROM THE VATHUKKUDI GRAMA PANCHAYATH DATED 17.11.2023
Exhibit P5	TRUE COPY OF THE RECEIPT ISSUED BY THE ARMOURY DATED 06.03.2026 EVIDENCING THE DEPOSIT OF THE FIREARM
Exhibit P6	TRUE COPY OF THE APPLICATION DATED 12.03.2026 SUBMITTED BY THE PETITIONER BEFORE THE SECOND RESPONDENT
Exhibit P7	TRUE COPY OF THE ORDER DATED 17.03.2026 PASSED BY THE SCREENING COMMITTEE