

Court No. - 52

Case :- WRIT - C No. - 60891 of 2017

Petitioner :- Indresh Chandra

Respondent :- Commissioner Allahabad Mandal Allahabad And Another

Counsel for Petitioner :- Awadhesh Kumar Sharma, Ranvijay Kumar

Counsel for Respondent :- C.S.C.

Hon'ble Saurabh Srivastava, J.

1. Heard Shri Dharmendra Kumar Mishra holding brief of Shri Awadhesh Kumar Sharma, learned counsel for the petitioner and Shri Dhananjay Singh, learned Standing Counsel for the State-respondents.

2. The application for seeking fire arm license preferred by the petitioner has been negated by the respondent no.3 only on three grounds that the petitioner does not fall under the category of sports person, seeking fire arm license in succession and the petitioner is not victim in any case crime registered before any police station.

3. The order passed by the District Magistrate, Allahabad dated 29.04.2015 has been put under challenge before the respondent no.1, under Section 18 of the Arms Act in the shape of appeal on several other grounds inter-alia that the petitioner is a practicing Advocate at High Court of Judicature at Allahabad specifically for criminal side and the application preferred by the petitioner for seeking fire arm license only for his self protection, which does not create any bar for seeking the same.

4. While rejecting the claim of the petitioner, respondents took the reliance of Government Order dated 07.10.2013 issued in pursuance to the decision of the Writ Petition No.3268 (MB) of 2012, Jitendra Singh Vs. State of U.P. and others.

5. Learned counsel for the petitioner raised his argument that after the judgement of Jitendra Singh Vs, State of U.P. and others (Supra), several other judgements passed by this Court, wherein, the rider maintained by the State Government in Government Order dated 07.10.2013 has been uplifted and as such, the grounds for rejection of the application preferred by the petitioner for

seeking fire arm license is not tenable in the eye of law.

6. In view of the aforementioned facts and circumstances of the case, the orders dated 11.10.2017 passed by respondent no.1, Commissioner, Allahabad Mandal, Allahabad and 29.04.2015 passed by the respondent no.2, District Magistrate, Allahabad are hereby set aside and the matter is remitted back to the respondent no.2 for deciding afresh. The above mentioned exercise shall be finalized within a period of three months from the date production of certified copy of this order.

7. The writ petition stands, allowed.

Order Date :- 17.11.2023

RKM