

Court No. - 6

Case :- WRIT - C No. - 37652 of 2023

Petitioner :- Sanchit Agarwal

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Alok Krishan Tripathi

Counsel for Respondent :- C.S.C.

Hon'ble Mrs. Manju Rani Chauhan,J.

Heard learned counsel for the petitioner and learned Standing Counsel for the State-respondent.

The present writ petition has been filed with the prayer to quash the order dated 15.09.2023 passed by District Magistrate, Varanasi.

Learned counsel for the petitioner submits that a writ petition being Writ C No. 22148 of 2023 was filed by the petitioner with a prayer to direct the respondent no. 2 to decide the application for grant of arm license in favour of the petitioner. The aforesaid petition was disposed of by order dated 13.07.2023 directing the petitioner to file a fresh representation before District Magistrate, Varanasi within two weeks. Such representation was to be decided in accordance with law, by means of a reasoned and speaking order. Pursuant to the aforesaid order, the petitioner moved an application dated 26.07.2023 annexing all the documents related to business wherein he proved the good reason for having arm license in his favour. Without considering the same the impugned order has been passed vide which his application has been rejected in an arbitrary and mechanical manner without application of judicial mind. The counsel for the petitioner submits that though the report from the concerned Deputy Commissioner Zone Kashi, Varanasi has been called but without assessing the requirements as placed by the petitioner alongwith documents proving that he is carrying out some business, the order impugned has been passed without application of mind.

The learned Standing Counsel could not dispute the aforesaid fact.

No useful purpose would be served by keeping this petition pending in view of the order, which the Court proposes to pass hereunder.

In view of the aforesaid, the impugned order dated 15.09.2023 passed by District Magistrate, Varanasi is hereby set aside and the matter is remitted back to the District Magistrate, Varanasi to decide the application as placed by the petitioner afresh in accordance with law by means of a reasoned and speaking order, preferably within a period of two months from the date of production of a certified copy of this order, if there is no other legal impediment.

With the aforesaid directions, the present application is allowed.

There shall be no order as to costs.

Order Date :- 21.11.2023

Arti