

Court No. - 6

Case :- WRIT - C No. - 37787 of 2023

Petitioner :- Avinash Rai Alias Avinash Sawaliya

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Ramesh Kumar Shukla

Counsel for Respondent :- CSC

Hon'ble Mrs. Manju Rani Chauhan,J.

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

This writ petition has been filed with a prayer to direct the respondents no. 2 to decide the application of the petitioner dated 30.08.2023 and prayed to direct the respondent no. 2 to transfer the Gun License No. 12441 in favour of the petitioner, which previously in the name of the petitioner's father Sri Sawaliya Rai, who died on 13.12.2022.

Learned counsel for the petitioner submits that the father of the petitioner namely Sri Sawaliya Rai has a duly granted an N.P. Bore firearm license bearing Revolver No. N-9689, License No. 12441 and after attaining the age of 75 years he deemed it put to pass his weapon as heirloom to the petitioner. Accordingly, in the month of December, 2020, the petitioner had duly applied for an N.P. Bore firearm license from the respondent no. 2. In the meantime on 13.12.2020, the father of the petitioner was died and thereafter the petitioner had informed the respondent no. 2 on 04.01.2023 for further direction as the weapon was possessed at the home. The petitioner again on 05.01.2023, approached the respondent no. 2 for transfer of the aforesaid firearm license in his favour. Recently as a last hope, the petitioner has again approached the respondent no. 2 by way of representation dated 30.08.2023 but neither any order was passed nor transfer the gun license in his name. Therefore, a direction may be issued to respondent no.2 to decide the application of the petitioner within stipulated period.

The learned Standing Counsel has no objection to the submission made by the counsel for the petitioner.

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

hereunder.

Without entering into the controversy involved in the writ petition, the writ petition is disposed of with a direction to respondent no. 2 to decide the aforesaid application in accordance with law after giving opportunity of hearing to the parties concerned, by means of a reasoned and speaking order, as expeditiously as possible, from the date of production of a certified copy of this order, if there is no legal impediment.

It is made clear that this Court has not examined the merits of the claim of the petitioner and the authority concerned shall apply its own mind strictly in accordance with law.

Order Date :- 30.11.2023

Arti