

**Court No. - 8**

**Case :-** WRIT - C No. - 1007293 of 2012

**Petitioner :-** Anang Dev Upadhyay

**Respondent :-** State Of U.P. Thru Secy. Home Civil Sectt.  
Lucknow And Others

**Counsel for Petitioner :-** Satish K. Tripathi

**Counsel for Respondent :-** C.S.C.

**Hon'ble Pankaj Bhatia,J.**

1. The present petition has been filed by the petitioner challenging the order dated 29.08.2008 whereby the arms license of the petitioner was cancelled as well as the appellate order dated 09.06.2011 whereby the appeal preferred against the said order was dismissed.

2. The facts, in brief, are that on account of the petitioner being implicated in six cases, steps were taken for cancellation of the arms license subsequently finding that the petitioner was implicated in case no.34 of 2000 and in case no.34-A of 2000, the licensing authority was of the view that continuation of the arms license can lead to breach of peace. As such, the license was cancelled and appeal preferred against the said order was also dismissed.

3. Contention of the counsel for the petitioner is that subsequently the case nos.34 of 2000 and 34-A of 2000 have come to an end and the petitioner was not found guilty. As such, the foundation based upon which, the order was passed has lost relevance.

4. Considering the said submissions coupled with the application of the State Government, primarily the material, which is required for cancellation of the arms license under

Section 17(3) of the Arms Act is not present. Mere pendency of the case would *ipso facto* not lead to forming a view that there is a threat to security of public peace or for public safety as such, the orders being contrary to mandate of Section 17(3) cannot be sustained and are quashed. As grant of license is for a time bound period, the petitioner would be entitled to apply for a renewal of the arms license in case such an application is moved, steps shall be taken to decide the said application in accordance with law while doing so the licensing authority can take into consideration the age of the petitioner also.

5. Petition stands **disposed of** in terms of the said observations.

**Order Date :- 11.12.2023**

Mohd. Sharif