

GAHC040011472024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : WP(C)/383/2024

Makbuk Pertin

Son of Shri Katan Pertin, Sigar Village, PO and PS Mebo, East Siang District,
Arunachal Pradesh

VERSUS

- 1) The State of AP and 4 Ors
Address - represented by the Principal Secretary, Govt of Arunachal Pradesh, Itanagar.
- 2) The Commissioner (Home)
Govt of Arunachal Pradesh, Itanagar.
- 3) The Principal Secretary (Home)
Govt of Arunachal Pradesh, Itanagar
- 4) The Deputy Secretary (Home)
Govt of Arunachal Pradesh, Itanagar.
- 5) The Deputy Commissioner cum District Magistrate
East Siang District, Pasighat, Arunachal Pradesh.

Advocate for the Petitioner : Nalo Pada

Advocate for the Respondent : T. Wangmo, GA (AP)

**BEFORE
HONBLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 04.09.2024

Heard Mr. N. Pada, learned counsel for the petitioner. Also heard Ms. T. Wangmo, learned Government Advocate for the State respondents.

2. Having regard to the similarity of the factual background and the issue raised, which is admittedly covered by the judgment and order of this Court dated 24.08.2022, passed in series of writ petitions being WP(C) No. 148(AP)/2022, WP(C) No. 39(AP)/2022, WP(C) No. 34(AP)/2022, WP(C) No. 37(AP)/2022, WP(C) No. 36(AP)/2022, WP(C) No. 33(AP)/2022, WP(C) No. 45(AP)/2022, WP(C) No. 35(AP)/2022, WP(C) No. 420 (AP)/2022, WP(C) No. 44(AP)/2022, WP(C) No. 28(AP)/2022, WP(C) No. 40(AP)/2022, WP(C) No. 30(AP)/2022, WP(C) No. 38(AP)/2022, WP(C) No. 29(AP)/2022, WP(C) No. 27(AP)/2022, WP(C) No. 31(AP)/2022, WP(C) No. 32(AP)/2022, WP(C) No. 148(AP)/2022, present writ petition is disposed of at the motion stage itself.

4. The case projected by the petitioner is that, an Arm License was granted to the petitioner vide dated 13.07.2021. Thereafter, the petitioner purchased a non-prohibited .32 Bore Rifle. It is contended that when the petitioner was possessing the said Arm on the basis of license issued to him, the District Magistrate, East Siang District, issued an order dated 28.12.2024, wherein,

altogether 109 Arms Licenses including the license of petitioner, were held to be illegal. The ground which is stated in the said order is that during 2017-18, the then District Magistrate, East Siang District, has issued those licenses in violation of the Blanket Ban imposed on the issuance of Arms License by the Government of Arunachal Pradesh through the Commissioner, Department of Home vide order dated 18.10.2019 and Standing Government dated 02.09.2016. The said Arm Licenses were issued in the year 2021, when the Blanket Ban issued by the Government was in currency.

5. It is submitted by the learned counsel for the petitioner Mr. N. Pada that on receipt of the order dated 28.12.2021, he submitted a detail explanation on 26.02.2022, and prayed for adequate compensation for the Arms which he has bought already in terms of the license issued by the competent authority, in the event the Arms License of the petitioner is cancelled or revoked.

6. It is contended that in view of the order dated 28.12.2021, the petitioner could not apply for renewable of his Arms License though it has been validly issued to the petitioner.

7. It is notice that altogether 49 persons, being aggrieved of the order dated 28.12.2021, have approached this Court in a batch of writ petitions (Supra), whereby, this Court vide the common judgment and order dated 24.08.2022, has allowed the writ petition, whereby, the Arms Licenses were directed to be return back to individual licences. The relevant paragraph is quoted herein

below:

“13. In the circumstances, we are of the view that the interest of justice would be met on a direction being issued to the Commissioner to the Government of Arunachal Pradesh in the Home Department, if necessary, to verify from the records available with the department as regards issuance of arms licenses and upon verification of the records, if it is revealed that in any individual case, the arms licenses were issued either illegally or to an undeserving people or in contravention of any of the provisions of the Act of 1959 or the Rules of 2016, individual notices may be issued to such persons and appropriate action be taken by the authorized authority under the Act of 1959 and the Rules of 2016 by scrupulously following the procedure prescribed in the Act of 1959 and the Rules 2016, more particularly Section 17 of the Act of 1959.”

14. In view of the conclusion arrived hereinabove, the arms licenses that were already issued to the petitioners shall be restored back to them immediately. But again, if the authorities are of the view that anyone of them is required to be subjected to the verification process or any further action as indicated above is required to be taken, liberty will remain with the respondent authorities to proceed against such persons as per law as indicated.

15. In view of what has been provided that the arms licenses will be returned back to the individual licensees, all the individual notices or cancellation orders that may have been issued in respect all the petitioners stand interfered and set aside. It is however added that the petitioners to also not abuse the arms

licenses that are restored to them and behave in the manner as required under the law and if any further violation is noticed, the appropriate authority may take action in the manner provided under the law.

8. Having considered the judgement and order of this Court in the writ petitions (Supra) and on the consent of the learned counsel for the parties, I am of the view that the judgment and order dated 24.08.2022 (Supra) is squarely covered the case of the present petitioner.

9. Accordingly, this writ petition is disposed of with a direction to the respondent authorities particularly the District Magistrate/Deputy Commissioner, East Siang District, Pasighat, to provide the same relief to the petitioner as provided to the writ petitioners in writ petitions vide judgment and order dated 24.08.2022 in WP(C) No. 148(AP)/2022 (Supra)

10. This writ petition stand disposed of, in terms of above observation and direction.

JUDGE

Comparing Assistant