

GAHC040012052024



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

Case No. : WP(C)/406/2024

Indu Yommin
Son of Ani Yommin,
permanent resident of Village Sigar,
PO and PS Mebo,
District East Siang,
Arunachal Pradesh.

VERSUS

The State of AP and 2 Ors
represented by the Principal Secretary (Home)
Govt of Arunachal Pradesh,
Itanagar.

2:The Commissioner/ Secretary (Home)
Age: 0
Occupation :
Govt of Arunachal Pradesh
Itanagar

3:The Deputy Commissioner cum District Magistrate
Age: 0
Occupation :
East Siang District
Pasighat
Arunachal Pradesh

Advocate for the Petitioner : Orin Modi, Noni Nobeng, Jobang Modi, Pura Khongkhung

Advocate for the Respondent : GA (AP),

**BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 23-12-2024

Heard Mr. O. Modi, learned counsel for the petitioner and Ms. T. Wangmo, learned State counsel appearing for all the respondent.

2. Being aggrieved by a refusal to renew the Arm Licence being No. LN03161A7A23219/8886 ESD of the petitioner, this writ petition has been filed for a direction to the District Magistrate-cum-Deputy Commissioner, East Siang District, Pasighat, to consider the application for renewal of the above referred arm licence of the petitioner which has been submitted on 05.07.2022 and 10.01.2023.

3. It is the case of the petitioner that the District Magistrate-cum-Deputy Commissioner, East Siang District, Pasighat has issued the arm licence to the petitioner on 05.02.2019. On expiry of the arm licence, the petitioner had submitted applications for renewal of the same on two occasions dated 05.07.2022 and 10.01.2023. The petitioner submitted a representation on 03.07.2023 as his armed licence was not renewed by the authority.

4. Mr. O. Modi, learned counsel for the petitioner submits that the petitioner has been informed, verbally, that the armed licence of the petitioner was issued illegally as the same was issued during the currency of the banned orders by the Government dated 02.09.2016 and 18.10.2019. Mr. Modi submits that even if there was a banned issued for issuance of armed licence, no fault can be attributed to the petitioner as the armed licence was issued to the petitioner by the competent authority himself i.e. the District Magistrate-cum-Deputy

Commissioner, East Siang District, Pasighat. Be that as it may, he submits that the banned orders dated 02.09.2016 and 18.10.2019 have been set aside by this Court in a writ proceedings being WP(C)/148/2022.

5. Ms. T. Wangmo, learned State counsel fairly submits that since the orders dated 02.09.2016 and 18.10.2019 have been interfered with and set aside by this Court, the petitioner may be entitled to the same relief as provided to the petitioners in the writ petition (supra).

6. Having considered the submissions of the learned counsel appearing for the parties and also considered that the judgment and order dated 24.08.2024 passed in the writ petition, the leading case being WP(C)/148/2022 as well as, as agreed to by the learned counsel appearing for the parties that the said judgment and order, dated 24.08.2024, squarely covers the case of the petitioner, the present writ petition is disposed of with a direction to the respondent authority, particularly, the District Magistrate-cum-Deputy Commissioner, East Siang District to consider the case of the petitioner by providing similar relief to the petitioner as regard the renewal of arm licence of the petitioner in accordance with the applicable Acts and Rules.

7. Writ petition stands allowed and disposed of.

JUDGE

Comparing Assistant