

GAHC010018342021



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

Case No. : WP(C)/2072/2021

MD. TOUSIF HUSSAIN REZA
S/O LATE NOOR HUSSAIN
RESIDENT OF HOUSE NO. 4 OPP. OF ASEB BUILDING OFFICE,
HEDAYATPUR, NEAR GUWAHATI CLUB, 781003

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM HOME AND POLITICAL AFFAIRS, DISPUR GUWAHATI 781006

2:THE DIRECTOR GENERAL OF POLICE
ASSAM POLIC HEADQUARTERS
ULUBARI
GUWAHATI 781008

3:THE DEPUTY COMMISSIONER

KAMRUP M PANBAZAR
GUWAHATI 781001

4:THE COMMISSIONER OF POLICE
GUWAHATI
PANBAZAR
GUWAHATI 78100

Advocate for the Petitioner : MD. I HUSSAIN,

Advocate for the Respondent : GA, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

ORDER

19.08.2024

Heard Mr. F. A. Hussain, learned counsel appearing on behalf of Mr. I Hussain, learned counsel for the petitioner. Also heard Mr. K. Gogoi, learned Government Advocate representing the State respondents.

The petitioner claims to be a social as well as a political activist and a businessman by profession. According to him, due to political activities as well as business rivalries, he has received various threats from time to time, for which, he had to file FIR's.

In the aforesaid background, the petitioner applied for an arms license in the office of the Deputy Commissioner, Kamrup (M). According to the petitioner, such application was not considered and accordingly, he again applied for an arms license in the year 2020. When such application failed to evoke response from the respondent/Deputy Commissioner, the petitioner has approached before this Court.

Mr. K. Gogoi, learned Government Advocate for the respondent/Deputy Commissioner on instruction has submitted that the request of the petitioner for grant of license was rejected through a speaking order passed on 01.11.2022 by the Deputy Commissioner, Kamrup Metropolitan District, Guwahati.

Mr. K. Gogoi, learned Government Advocate has also produced the order of the Deputy Commissioner, Kamrup Metropolitan District, Guwahati dated 01.11.2022, which reflects that the committee constituted in this regard has not recommended for grant of arms license as there is no specific threat to the life of the petitioner. Thereafter, the Deputy Commissioner concluded that there is no justifiable ground for issuing arms license to the petitioner.

In view of the aforesaid, nothing survives in this writ petition to be considered.

Accordingly, the present writ petition stands closed. However, liberty is granted to the petitioner to assail the order dated 01.11.2022 passed by the Deputy Commissioner, Kamrup Metropolitan District, Guwahati, before the appropriate forum as permissible under law.

It is also made clear that that disposal of this writ petition shall not debar or take away the right of the petitioner to apply for arms license afresh as and when necessity arises, and in the event, such an application is filed, same be considered as per law.

With the aforesaid, this writ petition stands closed.

Copy of the order dated 01.11.2022 passed by the Deputy Commissioner, Kamrup Metropolitan District, Guwahati is kept on record and marked as document "X".

JUDGE

Comparing Assistant