

GAHC010196862024



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

Case No. : WP(C)/5008/2024

SAMUDRA GOGOI
S/O- SRI POBON CHANDRA GOGOI,
RESIDENT OF VILLAGE- BHOGAMUKH DHULAKAKHARIA,
P.O. AND P.S.- BOGAMUKH,
DISTRICT- JORHAT, ASSAM,
PIN- 785682.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM,
HOME DEPARTMENT, DISPUR, GUWAHATI-6.

2:THE DISTRICT MAGISTRATE
OFFICE OF THE DISTRICT MAGISTRATE
MAGISTRACY BRANCH
JORHAT DISTRICT JORHAT.

3:THE SUPERINTENDENT OF POLICE
JORHAT DISTRICT- JORHAT.

4:THE DEPUTY COMMISSIONER
JORHAT DISTRICT- JORHAT.

5:THE COMMISSIONER
UPPER ASSAM DIVISION
CINNAMARA
JORHAT
DISTRICT- JORHAT

Advocate for the Petitioner : MR B P BORAH, MR P J DUTTA,MR H MAZUMDER

Advocate for the Respondent : GA, ASSAM,

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

Date : 27.09.2024

Heard Mr. B. P. Borah, learned counsel for the petitioner, who submits that the petitioner's arm licence has been revoked by the District Commissioner, Jorhat, vide speaking order dated 29.09.2022, for alleged violation of Rule 32(2) and 10(a)(e) & (f) of the Arms Rules, 2016.

2. The petitioner's counsel submits that the petitioner preferred an appeal under Section 18 of the Arms Act on 28.11.2022 before the Upper Assam Commissioner at Jorhat. However, the petitioner's appeal has not been decided till date, which is in violation of Rule 108 of the Arms Rules, 2016, which states as follows:-

*“**108.** Procedure to be followed by appellate authority. - On receipt of an appeal, the appellate authority may call for the records of the case from the authority who passed the order appealed against and after giving the appellant a reasonable opportunity of being heard, pass final orders within sixty days of receipt of the appeal.”*

3. The petitioner's counsel submits that the writ petition can be disposed of, if a direction is issued to the respondent No. 5 to take a decision on the petitioner's appeal within a specified time period.

4. Ms. U. Das, learned counsel appearing for all the respondents submits that she has got no objection to the prayer made by the petitioner's counsel.

5. In view of Rule 108 of the Arms Rules, 2016, which provides for disposal of an appeal within sixty days from the date of receipt of the appeal, this writ petition is disposed of, with a direction to the respondent No. 5 to take a decision on the petitioner's appeal dated 28.11.2022, within a period of two weeks from the date of receipt of a certified copy of this order and a copy of the appeal. The decision taken should be communicated to the petitioner.

JUDGE

Comparing Assistant