

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

WP(C) No. 3307/2023

1. Mohinder Singh

S/O Sh. Partap Singh
R/O Simbliwala, Tehsil Bhalwal
District Jammu.

.....Appellant(s)/Petitioner(s)

2. Babishan Singh @ Tina

S/O Sh. Jagdev Singh
R/O Malpur Tehsil Bhalwal
District Jammu.

Through: Mr. Vikram Sharma, Sr. Adv.with
M/S Sachin Dev Singh, Sanpreet Singh &
Zaheer Abbas Khan, Advocates

vs

1. Union Territory of J&K through

Principal Secretary Home Department,
Civil Secretariat, J&K, Jammu.

..... Respondent(s)

2. Divisional Commissioner, Jammu.

3. District Magistrate, Kathua.

4. SHO Police Station, Gharota, Jammu

Through: Ms. Monika Kohli, Sr. AAG

CORAM: HON'BLE MR. JUSTICE M A CHOWDHARY, JUDGE

ORDER (ORAL)

(28.09.2026)

1. Petitioners, through the medium of this petition, seeks quashing of order dated 21.07.2023, passed by respondent No. 2-Divisional Commissioner, Jammu whereby Appeal No. 01/2021-2022 titled Mohinder Singh & Anr Vs. District Magistrate, Kathua & Anr, whereby the appeal filed by them under Section 18 of the Arms Act, 1959 against the *ex-parte* Order No. DMK-JC-3041-45 dated 19.02.2021, passed by District Magistrate, Kathua cancelling the arms licence of the petitioners, was allegedly, wrongly dismissed, in their absence.

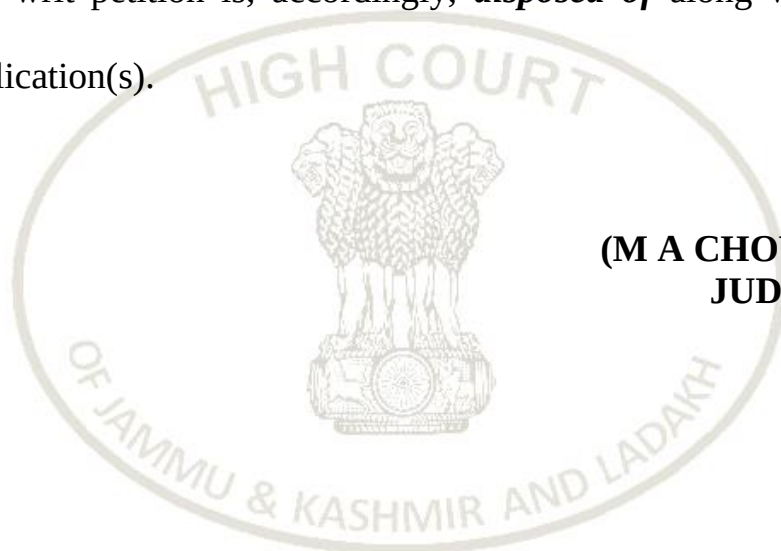
2. Learned Senior counsel appearing for the petitioners submits that the impugned order had been passed in the Statutory Appeal by the Appellate Authority without hearing the appellants, as is evident from Para 10 of the impugned order, which, *inter alia*, describes as under :-

“.....10.....Perusal of the order sheet reveals that the petitioners have been causing continuous non-appearance since 05.02.2022. Today again 21.07.2023, the case was put for hearing, the petitioners were again found absent, which indicates that the petitioners have lost their interest in the instant appeal. In view of the continuous absence of petitioner/Learned Counsel for the petitioner, this Court examined the record placed on the file as well as heard the arguments put forth by Assistant Revenue Attorney, appearing on behalf of the official respondents who submitted that the District Magistrate has cancelled the Arm Licenses of the petitioners only when Senior Superintendent of Police, Jammu has informed that there is very apprehension that the petitioners will indulge in heinous offense again. District Magistrate, Kathau has acted only for maintenance of peace and tranquillity in the area. So the order of the District Magistrate, Kathua bears no illegality and needs to be kept upheld.”

3. Learned Sr. AAG appearing on behalf of respondents submits that the writ petitioners, as per the impugned judgment had not appeared on many dates leaving no option for the Appellate Authority to decide the matter, in their absence, however, on merits. The petitioners have thus no cause to seek fresh determination of their cause, when they themselves were negligent to prosecute their appeal, despite repeated adjournments.
4. It is strange to note that the name of Mr. Rakesh Chagotra, Advocate has also been recorded in the order impugned indicating his presence on behalf of appellants and at the same time the Appellate Authority has remarked that the appellants are un-represented for many dates and also on the date, when the appeal was decided.

5. Be that as it may, the impugned order seems to have been passed in appeal without hearing the appellants and only on merits. However, the merits have also not been discussed, as the grounds raised in the memo of appeal had not even been referred to, while deciding the matter.
6. In this situation of the matter, the impugned order is not sustainable in law and is ***set aside*** remanding the matter for fresh consideration. The parties are directed to appear before the Appellate Authority on **23.10.2026**.
7. The writ petition is, accordingly, ***disposed of*** along with connected application(s).

Jammu
28.09.2026
Vishal Sharma



(M A CHOWDHARY)
JUDGE