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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**WRIT PETITION NO.1839 OF 2015**

Khanderao Haibatrao Hasnalkar.

..Petitioner

**-Versus-**

The District Magistrate and District  
Collector, Nanded and another.

..Respondents

.....

Mr.PG. Godhamgaonkar, Advocate for the Petitioner.

Mr.V.G.Shelke, AGP, for the Respondents/ State.

.....

**CORAM: RAVINDRA V. GHUGE, J.**

**DATE :- 05<sup>th</sup> March, 2015**

Per Court:

1 I have heard Mr.Godhamgaonkar, learned Advocate appearing for the Petitioner for quite sometime and the learned AGP appearing on behalf of the Respondents.

2 The grievance of the Petitioner is that the application of the Petitioner to obtain an Arms Licence under the Arms Act, 1959 has been turned down by the order of the District Collector dated 31.07.2013 and the Appeal preferred by the Petitioner has been rejected by the Divisional Commissioner, Aurangabad vide judgment dated 17.04.2014.

3           The contention of the Petitioner is two fold. Firstly, the Petitioner requires a revolver for self protection. Secondly, he was not given a proper opportunity of hearing before rejecting his application for obtaining an arms licence and for purchasing a revolver/ pistol.

4           Insofar as the issue of having not been heard is concerned, the grievance of the Petitioner is that he challenged the decision of the District Collector dated 31.07.2013 before the Divisional Commissioner. Despite pendency of the Appeal, the Petitioner was not given an adequate opportunity of hearing.

5           Reliance is placed upon the judgment of the Division Bench of this Court in the matter of *Shri Ajitpalsingh Nirmalsingh Khalsa v/s State of Maharashtra and others* reported in **2013 All M.R. (Cri.) 2392**, to support his contention that the Applicant should be properly heard.

6           The view taken by the Division Bench in Ajitpalsingh (supra) is based on the fact that the Petitioner therein had applied to the State Government against the rejection of his application and the matter was remitted back. One line order dated 29.06.2010 was passed by the Commissioner, who rejected the Petitioner's request. The Petitioner filed an appeal once again and the matter was again remitted back to the

Commissioner. The Commissioner of Police again rejected the application/appeal by a one line order dated 19.12.2011. It is in these circumstances that the Division Bench had allowed the Appeal and directed the Commissioner of Police to decide the Petitioner's application for licence afresh by giving reasons.

7           In the instant case, the District Collector, Nanded has passed a reasoned order on 31.07.2013. In the first paragraph, he has considered the provisions of law and the procedure followed while considering the Petitioner's application. In the second paragraph, he has considered the report of the District Superintendent of Police, Nanded in which it was specifically stated that the Petitioner had sought an arms licence for self protection since he apprehended danger to his physical existence as well as to his property. The Police report indicated that the apprehension was misplaced and there was nothing to indicate that there was any risk or danger to the life of the Petitioner or his property. Upon considering these factors, the District Collector concluded that the Petitioner did not deserve an arms licence for self protection.

8           The Petitioner's contention that he was not properly heard in appeal by the Divisional Commissioner, appears to be a fallacy. The dates of hearing have been narrated by the Divisional Commissioner in the first

paragraph of the impugned order. It is observed that the dates of hearing were posted on numerous occasions. The Petitioner and his Advocate were unavailable. Notices were issued to them and finally, on 25.03.2014, the matter was closed for judgment which was delivered on 17.04.2014.

9           The contention of the Petitioner is that the observations are incorrect and he should have been given a reasonable opportunity of hearing. It is in this backdrop that I have heard the Petitioner on every count in support of his application for arms licence.

10           The Petitioner's justification for seeking an arms licence is, to put it in the words of the learned Advocate for the Petitioner, *"it is my subjective assessment that I require arms licence for self protection as I am an agriculturist and there is danger to my life in view of the wild animals who are found in the vicinity of my agricultural field."*

11           Needless to state, the report of the Police, who looked into the reasons mentioned by the Petitioner in his application, indicates that the apprehension is misplaced. It is not in dispute that there are several agriculturists living in the vicinity of the same area in which the Petitioner resides and/or his agricultural field is situated. As the Police report did not

indicate any such factor which could support the contention of the Petitioner, it was opined that the Petitioner did not require an arms licence.

12           In my view, the Petitioner is likely to have a misplaced apprehension. He has set out his reasons in seeking the arms licence. The Police authorities have looked into the matter and have submitted a report. This fact situation has to be considered with due circumspection. Merely because the Petitioner has an apprehension and which has been looked into by the Police authorities, would not mean that his assessment needs to overbear the findings in the Police report.

13           In the light of the above, I do not find that the impugned orders of the District Collector and the Divisional Commissioner dated 31.07.2013 and 17.04.2014, respectively, could be said to be perverse or erroneous. As such, this Writ Petition being devoid of merit is, therefore, dismissed.

**(RAVINDRA V. GHUGE, J.)**