

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-12308-2012

Date of decision : 12.10.2015

Daljit Kaur

..... Petitioner

Vs

State of Punjab & Ors.

..... Respondents

Coram : Hon'ble Mr. Justice Paramjeet Singh

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present : Mr. Vishal Aggarwal, Advocate
for the petitioner.

Mr. Suresh Singla, Addl. A.G., Punjab.

Paramjeet Singh, J. (oral)

The instant petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing order dated 23.05.2012 (Annexure P-8) whereby the application of the petitioner for issuance of Arms Dealership licence/Form No.12, has been rejected.

Brief facts of the case are that : husband of the petitioner was running the business of sale and purchase of Arms and Ammunition in the name and style of M/s Punjab Gun House for the last more than 40 years. The petitioner also applied for similar dealership but her application has been dismissed vide impugned order dated 23.05.2012 (Annexure P-8), operative part of which read as under :-

“After consideration of the proposal received vide letter under reference, it has been found that the size of the shop in which the business of Arms is to be done, is very small. It is a booth and not a shop in which it is impossible to do such business from the security point of view.”

A direction was issued by this Court vide order dated 17.08.2015 to file a specific affidavit that licence has not been issued to any shop whose size is less than the size of the alleged shop of the petitioner. In pursuance of the said direction, an affidavit dated 09.10.2015 has been filed by the Special Secretary to Govt. of Punjab, Department of Home Affairs & Justice, wherein it has been categorically admitted that M/s Bharat Gun House, Arms & Ammunition Dealers, Jalandhar has been issued the licence, whose size is lowest in the city i.e. 10'x6' = 60 square feet, whereas the size of the proposed shop of the petitioner is 7' x 9.6 = 67.2 square feet, which is more than the size of M/s Bharat Gun House, Arms & Ammunition Dealers, Jalandhar. It is also mentioned in the reply that there is no policy framed by the State Govt. with regard to minimum size of Arms & Ammunition shops.

From the above facts, it is clear that person having shop of smaller size than the size of the shop of the petitioner has been issued Arms & Ammunition dealership licence but petitioner has been denied only on the ground that her shop is of smaller size. There is no policy of the Government.

Apparently there is discrimination with the petitioner. It also indicates arbitrary exercise of power.

In view of the above, the present petition is allowed. The impugned order dated 23.05.2012 (Annexure P-8) is set aside and a direction is issued to respondent No.1 to look into the matter afresh and pass a speaking order within one month from the date of receipt of certified copy of this order. It is made clear that uniform policy should also be framed in the State of Punjab with regard to the issuance of licence for opening the Arms & Ammunition Dealership shops.

(PARAMJEET SINGH)
JUDGE

12.10.2015

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