

CWP No.13669 of 2014

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

CWP No.13669 of 2014
Date of decision: 19.10.2015

Balwinder Singh

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the 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. P.P.S. Duggall, Advocate, for the petitioner.
Mr. Suresh Singla, Addl. A.G., Punjab.

PARAMJEET SINGH, J. (ORAL)

Instant writ petition under Articles 226/227 of the Constitution of India has been filed for setting aside the order dated 30.09.2002 (Annexure P-5) passed by respondent No.3 – District Magistrate, Ferozepur, whereby Arms Licence for 12 bore gun of the petitioner has been cancelled as well as the order dated 20.03.2014 (Annexure P-6) passed by Appellate Authority whereby appeal of the petitioner has been dismissed on the ground of delay.

I have heard learned counsel for the parties and perused the record.

Learned counsel for the petitioner contends that District

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Magistrate, Ferozepur, passed the impugned order without effecting service upon him. He was not aware of the cancellation of the licence. Commissioner dismissed the appeal as well as application for condonation of delay filed by the petitioner without taking into consideration that he was not validly served.

I have considered the contentions raised by learned counsel for the petitioner.

Since no finding has been recorded by the Commissioner in order dated 20.03.2014 (Annexure P-6) with regard to validity of service before the District Magistrate, order dated 20.03.2014 (Annexure P-6) is set aside. Commissioner, Ferozepur Division, Ferozepur, is directed to decide the appeal afresh. Before considering the appeal on merit, appropriate order shall be passed on the application for condonation of delay. Petitioner through his counsel is directed to appear before the Commissioner on 18.11.2015. Needful shall be done by the Commissioner within two months from the date of receipt of certified copy of this order.

Disposed of.

October 19, 2015
R.S.

(Paramjeet Singh)
Judge