

In the High Court of Punjab and Haryana at Chandigarh

**CM-13619-CWP-2015 in/and
CWP No. 21191 of 2014 (O&M)
Date of Decision: November 05, 2015**

Kulwant Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

Present: Ms. Sushma Chopra, Advocate,
for the petitioner.

Mr. S.S. Chandumajra, Addl. A.G., Punjab.

Paramjeet Singh, J. (Oral)

CM-13619-CWP-2015

Having heard learned counsel for the applicant-petitioner and for the reasons recorded in the Civil Misc. application, same is allowed. Civil writ petition is restored to its original number and heard on merits today.

CWP No. 21191 of 2014

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus

Magistrate, Ferozepur to allow the petitioner to deposit licensed .12 bore single barrel gun bearing No. SBBL D-20719-94, which is entered in his Arms License No. 70, Police Station Mohali, issued by District Magistrate, Ropar, on 09.01.2001 and validity of which had already expired on 31.12.2012, with any gun house i.e. M/s New Vohra Gun House, Ferozepore Cantt.

In pursuance of notice of motion, respondent no.2 has filed specific reply. In his reply, respondent no.2 has stated as under:-

“The petitioner could not be granted permission to deposit the said .12 bore SBBL gun at Ferozepur, because the Arms Licence in question was never issued by the District Magistrate, Ferozepur, to the petitioner, and as such no any order for the deposit of Arms with the Arms dealer can be passed by District Magistrate office, Ferozepur. The District Magistrate, Ferozepur, is not in the know of whether his arms licence was cancelled by the District Magistrate Ropar, and whether his .12 bore SBBL gun might not have been involved in some other case. He could seek remedy for the deposit of arms licence with the appropriate authority i.e. the Licensing Authority, who issued the arms licence to the petitioner. The petitioner has not sought any renewal of licence. In view of the position stated above, the writ petition of the petitioner is without any merit and the same is liable to be dismissed.”

In view of above, instant writ petition is dismissed.

However, petitioner will be at liberty to approach the appropriate authority.

November 05, 2015
vkd

[Paramjeet Singh]
Judge