

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

CWP-23433-2014

Date of decision : 21.12.2015

Gurnam Singh

..... Petitioner

Vs

State of Punjab & others

..... Respondents

Coram : Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. K.S. Sidhu, Advocate

for the petitioner.

Mr. Yatinder Sharma, Addl. A.G., Punjab.

Mr. Sunil Agnihotri, Advocate

for respondent No.6.

Rakesh Kumar Jain, J. (oral)

This petition is filed to challenge the show cause notice No. 697 dated 6.5.2013 (Annexure P-6) and show cause notice No. 6015 dated 30.09.2014 (Annexure P-10) issued to the petitioner by respondent No.2 - District Magistrate, Hoshiarpur for cancellation of his Arms Licence.

In brief, on 6.5.2013, the District Magistrate, Hoshiarpur issued a show cause notice to the petitioner that he had been issued Arms Licence No. 3343/December/D.M./Hoshiarpur of .12 bore SBBL gun and .32 bore Pistol, in which Arms Licence No. 4067, 20903 of above bore is entered, which was valid till 14.12.2012. Vide notice No. 697 dated 6.5.2013 (Annexure P-6) the petitioner was asked as to why his Arms Licence may not be cancelled and asked to file

reply within 30 days.

The petitioner filed the reply to the said show cause notice.

The District Magistrate issued another show cause notice No. 6015/LPA dated 30.09.2014 in which it was averred as to why Arms Licence No. 79/rifle/Garhdiwal/Gun/D.M./Hoshiarpur of .315 bore rifle, in which Arms No. AB02941 of the above bore was entered which was valid till 19.07.2014 be not cancelled.

The petitioner filed the reply to the said show cause notice also.

Admittedly, the respondent has not passed any order granting, refusing or renewing the Arms Licence of the petitioner under the provisions of the Arms Act, 1959, therefore, the present petition is premature.

Faced with these circumstances, counsel for the petitioner has made another prayer that a direction be issued to the District Magistrate, Hoshiarpur to take a decision on the grant/refusal of Arms Licence, in terms of the reply filed by him to the show cause notices. The prayer made by the petitioner appears to be reasonable and, hence, the present petition is disposed of with a direction to the District Magistrate, Hoshiarpur to pass an order, in accordance with law, either to accept or reject the grant/refusal of the renewal of the aforesaid

two Arms Licences, possessed by the petitioner. The said order shall be passed by the District Magistrate within a period of two months from the date of receipt of certified copy of this order.

[RAKESH KUMAR JAIN]

JUDGE

21.12.2015

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