

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

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Civil Writ Petition No.9085 of 2015

Date of Decision: May 08, 2015

Rajesh Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Ashwani Talwar, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Learned counsel for the petitioner states that the petitioner on the death of his father, who was holding an arm licence, applied for an arm licence so that the single barrel gun (non-prohibited bore) owned by his father, which is lying deposited in the Police Station Matloda, District Panipat since 19.12.2007, could be possessed by the petitioner. The said request was returned to the petitioner by stating that it should be in a proper format and accordingly an application in the format as required was submitted on 01.03.2013 (Annexure P-3) to the District Magistrate-cum-Deputy Commissioner, Panipat-respondent No.2. The matter was referred to the Superintendent of Police, Panipat for seeking the Non Objection Certificate, which was also granted by the Superintendent of Police, in respect of which he has referred to the communication dated 17.12.2013 (Annexure P-5) addressed by the District Magistrate-cum-Deputy Commissioner, Panipat to the Government for clarification with regard to issuance of a licence to the petitioner as it is a non-prohibited bore. In

response thereto, the Government informed respondent No.2 on 30.04.2014 that the decision has to be taken at the level of respondent No.2 and take appropriate action under the Arms Rules, 1959 and the Arms Act, 1962. The Policy for Grant of Arms Licences for acquisition/possession of arms of the Government of India is dated 31st March, 2010 (Annexure P-10). Under this Policy, the claim of the petitioner is fully covered under clause ii and iii. Despite the above position, no final decision till date has been taken by respondent No.2 on the application submitted by the petitioner for issuance of an arm licence. Counsel for the petitioner submits that the matter has been delayed inordinately as the single barrel gun (non-prohibited bore) owned by his father is lying deposited with the Police Station Matloda, District Panipat since 19.12.2007 and his application also is pending for more than two years without any decision thereon, therefore, a direction be issued to respondent No.2 to take a final decision on the application of the petitioner dated 01.03.2013 (Annexure P-3).

In view of the above, the present writ petition is disposed of with directions to District Magistrate-cum-Deputy Commissioner, Panipat-respondent No.2 to decide the application of the petitioner dated 01.03.2013 (Annexure P-3) within a period of two months from the date of receipt of certified copy of this order. Decision so taken be conveyed to the petitioner forthwith.

May 08, 2015
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE