

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6968 OF 2013

Ramakant Dhondopant Bansod

.. **Petitioner**

Versus

The Divisional Commissioner, Aurangabad
and another

.. **Respondents**

Shri S. V. Adwant, Advocate for the Petitioner.

Shri S. B. Pulkundwar, A. G. P. for Respondent Nos. 1 and 2.

CORAM : S. V. GANGAPURWALA AND
K. K. SONAWANE, JJ.

DATE : 08TH JUNE, 2016.

PER COURT :-

1. Mr. Adwant, the learned counsel for the petitioner submits that, petitioner had given application for grant of arms license. The form was filled in as required under the Rules. The report was called from the police machinery. The police machinery recommended grant of license to the petitioner however the Collector without following the procedure as laid down under the statute more particularly Sections 13 and 14 of the Arms Act has rejected the application even without assigning any reasons sub-section 3 of Section 14 mandates the Authority refusing to grant the license to give reasons in writing and a brief statement of the same is required to be submitted to the person. The Authority has given a ceremonial send off to the said procedure. No reasons are given for refusing the arms license though the same was recommended by the police authority. The learned counsel

submits that, even appeal was filed before the Divisional Commissioner. The Divisional Commissioner has dismissed the appeal without considering the apprehension perceived by the present petitioner. The petitioner owns agricultural lands so also is a Government Contractor and a Journalist. The threat are perceived by the petitioner, the details are also given in the petition. According to the learned counsel, the respondents ought to have granted the arms license to the petitioner by allowing the application.

2. The learned A. G. P. submits that, even personal hearing was given to the petitioner. During the course of hearing it was revealed that there was no immediate threat to the petitioner. The application was rightly rejected.

3. There cannot be any dispute with the proposition that the arms license cannot be given as a matter of course. All the attending circumstances are required to be considered while entertaining application for arms license.

4. The contention of the petitioner that personal hearing is not contemplated and that there is no provision for interviewing the applicant need not be debated nor the same may detain us. It was in a way granting an opportunity to the petitioner to put forth his stand and satisfy the Authorities about the case made out by him.

5. We have considered the application so also the memo of the writ petition. The petitioner says that there is a possibility of occurrence of leopard on the country side where the agricultural lands belonging to the petitioner are situated and the danger to

his life and family cannot be ruled out. The said statement is not supported by any incident nor about the factum of incidence of such wild animal, it was for the petitioner to point out the same. Be that as it may, the Collector while rejecting the application certainly has not given detailed reasons. The Commissioner while entertaining the appeal has considered and has observed that there is no imminent threat to the petitioner or that the said case has not been made out. The said order of the appellate authority is passed in the year, 2013 i.e. almost three years back. We are not inclined to interfere with said order.

6. If, the petitioner make out a case for protection of the crops so also about his person and with regard to the grounds enumerated in the Act and Rules for grant of arms license the petitioner may apply afresh which application would be considered by the Authorities on its own merits in accordance with law.

7. The Writ Petition is accordingly disposed of. No costs.

[K. K. SONAWANE, J.]

[S. V. GANGAPURWALA, J.]