

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

CWP No.2090 of 2016
Date of Decision: 08.02.2016

Mehal Singh

. . . .Petitioner

Versus

State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Nakul Sharma, Advocate, for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

This petition is filed by Mehal Singh s/o Shavinder Singh, resident of Basti Sunwan Wali, Khuh Wagh Wala, Tehsil and District Ferozepur, who was allegedly issued an arms licence bearing No.1770/APR/99/FZR of 12 bore double barrel gun No.13490 C/4 on 27.1.2000, which was valid upto 29.4.2002. According to the petitioner, the office of District Magistrate, Ferozepur/Licensing Authority, renewed his arms licence from time to time upto 27.2.2010 but his licence was alleged to have been cancelled on 30.9.2002 on the basis of a report sent by S.S.P. Ferozepur, who had found that the petitioner was not residing at the given address and the licence has been obtained by giving fake address to the concerned authority. It is however, mentioned by the petitioner that in the said report, the name of the petitioner has been wrongly mentioned as Mehar Singh son of Shinder Singh though the address is correct. Aggrieved against the said order dated 30.9.2002, the petitioner filed an appeal under Section 18 of the Arms Act, 1959 [for short 'the Act'] along with an application for condonation of delay under Section 5 of the Limitation Act, 1963. The said appeal has been dismissed by the Commissioner, Ferozepur Division, Ferozepur, on the ground that not

only the appeal is time barred but also the petitioner has failed to show as to what steps he had taken for the renewal of his arms licence after 27.2.2010. Rather, it has been observed that the petitioner has been negligent in keeping the firearm with him without proper renewal of the arms licence. Aggrieved against the said orders dated 30.9.2002 passed by the District Magistrate, Ferozepur and 20.8.2015 passed by the Commissioner, Ferozepur Division, Ferozepur, the present petition has been filed.

Learned counsel for the petitioner has vehemently argued that the revocation of licence by respondent No.2 on 30.9.2002 is erroneous because there was no proper verification of the petitioner as his name has been wrongly mentioned in the report as Mehar Singh son of Shinder Singh. It is further submitted that the petitioner's licence has been renewed from time to time upto 27.2.2010, therefore, there is no question of revocation of his licence by respondent No.2 and the appeal was filed by the petitioner was not time barred as the petitioner came to know about the revocation of licence in the year 2014.

I have heard learned counsel for the petitioner and perused the available record.

No doubt that the name of the petitioner is Mehal Singh s/o Shavinder Singh, which is though otherwise mentioned in the report dated 30.9.2002 as Mehar Singh son of Shinder Singh and that the licence of the petitioner, as alleged, was renewed upto 27.2.2010 but learned counsel for the petitioner has failed to answer the query of the Court as to why the petitioner could not seek renewal after 27.2.2010 though it is required under Section 15 of the Act and hence, the petitioner has been keeping the firearm without

there being a valid licence after 27.2.2010. Hence, in the absence of any plausible answer, no interference is called for in this petition and hence, the same is hereby dismissed.

08.02.2016

Vivek

**(RAKESH KUMAR JAIN)
JUDGE**