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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 2569/2016

HARVILDAR BIJAY PRAKASH SHARMA (RETD) Petitioner

Through: Mr. Arvind Singh, Advocate with
Mr. V.K. Raghav, Advocate.

versus

**THE LT GOVERNOR
(NCT OF DELHI) AND ANR**

..... Respondents

Through: Mr. Manoj Kumar, Advocate for
Ms. Isha Khanna, Advocate for
respondents No.1 and 2.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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22.03.2016

CM Appl. 10909/2016 (exemption) in W.P.(C) 2569/2016

Allowed, subject to just exceptions.

W.P.(C) 2569/2016

Present writ petition has been filed challenging the Lieutenant Governor's order dated 16th December, 2015 whereby the Lieutenant Governor dismissed the petitioner's appeal against the order of the Joint Commissioner of Police declining to grant an Arms License to the petitioner.

The relevant portion of the orders passed by the Joint Commissioner of Police and Lieutenant Governor are reproduced hereinbelow:-

A. Order of Joint Commissioner of Police

“After due application of mind and considering all the facts and circumstances of the case, it was found that:

- 1. You do not have any good reason for grant of an arms license.*
- 2. You do not have any specific threat.*

In view of above, your application for grant of an arms license has not been acceded to by the licensing authority and the matter is now closed at our end.”

(emphasis supplied)

A. Order of Lieutenant Governor

“After hearing both the parties and careful perusal of documents on record, I am of the opinion that there is no genuine need, which would justify the grant of an arms licence to the appellant. Being a social/RTI activist in itself does not entail a person to hold an arms licence. The Licensing Authority, after considering all aspects of the matter, has passed a fair order keeping in view the facts and circumstances of the case. I, therefore, find no reason to interfere with it. The appeal is therefore dismissed.”

(emphasis supplied)

Learned counsel for petitioner states that petitioner is an RTI activist and whistleblower who has exposed various scams in excess of Rs.40 crores. He contends that there is a grave and continuous threat to the life of petitioner. In support of his contention, he relies upon the APP’s noting to the effect, *“that the appellant’s work puts him in adversial position”*.

In the opinion of this Court, the APP’s noting nowhere states that there is grave threat to the life of the petitioner.

A Division Bench of this Court in *Shri Ashwini Kr. Chopra Vs. Union of India & Ors.*, LPA 293/2010 decided on 16th December, 2010 has held that threat perception and deployment of security personnel are issues which primarily lie within the domain of the police/executive and it is only in rare circumstances that the Court would interfere with the same.

In the present case, both the Joint Commissioner of Police and Lieutenant Governor have concluded that the petitioner does not have any specific threat to his life. The said finding of fact requires no interference in writ jurisdiction.

Consequently, this Court is of the view that the impugned orders call for no interference. Accordingly, present writ petition, being bereft of merits, is dismissed.

MANMOHAN, J

MARCH 22, 2016

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