

COCP No.757 of 2014

Gurpreet Kaur
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high court

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

COCP No.757 of 2014

Date of Decision: 13.11.2017

Kirpal Singh Randhawa

....Petitioner

Versus

Anil Goswami, Secretary to the
Government of India

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. R.S. Bains, Advocate
for the petitioner.

Mr. Vivek Singla, Advocate
for the respondent.

DAYA CHAUDHARY, J. (ORAL)

The present petition has been filed for initiating contempt proceedings against the respondent for willful disobedience of order dated 18.07.2011 passed in Civil Writ Petition No.8412 of 2008 passed by this Court.

Learned counsel for the petitioner submits that the writ petition filed by the petitioner was allowed vide order dated 18.07.2011 and the respondent authority was directed to take a decision on the basis of recommendations made by the State Government as well as policy spelt through letter dated 22.06.2006 but in spite of that, no decision has been taken and the order rejecting the claim of the petitioner has been passed, which is contrary to order dated 18.07.2011. Learned counsel also submits that the arms licences have been issued to the persons who were also of the same category as the petitioner is claiming. No reason has been mentioned as to how the case of the petitioner does not fall in that category. The

instructions are very clear and recommendation has also been made by the State Government.

Learned counsel for the respondent submits that for claiming in the category of the petitioner, it is to be made out as to whether the case of the petitioner falls under the category of similarly situated by showing that a serious threat of very grave nature is there, whereas, the Intelligence Wing has revealed that the petitioner has not been given any specific threat from any quarter and in absence of that, it cannot be a case of grave nature. Learned counsel also submits that earlier the licences were issued after having the information and report from the Intelligence Wing.

Heard the arguments of learned counsel for the parties and have also perused the documents available on the file including the order passed in CWP No.8412 of 2008.

The relevant direction part of order dated 18.07.2011 is reproduced as under :-

“ 6. The first-respondent shall take a decision on the basis of the recommendations already given by the State Government and policy spelt through letter dated 22.06.2006. The appraisal shall be undertaken on objective materials, without offending at the same time the constitutional precept enshrined through Article 14 and pass appropriate orders in accordance with law within a period of six weeks from the date of receipt of the order. The writ petition is allowed and direction given in the light of what is stated above. ”

No doubt, a direction was issued by this Court to the respondent to take a decision on the basis of the recommendations already given by the State Government and as per policy circulated vide letter dated 22.06.2006. It was also mentioned that the exercise was to be done on the

basis of objective materials available but without offending at the same time the constitutional precept enshrined through Article 14 and to pass appropriate orders in accordance with law. Meaning thereby, a direction was issued to consider the materials objectively and to take a final decision by considering not only the recommendation but earlier practice also. The claim of the petitioner has been rejected on the ground that no case is made out for issuance of licence as no threat perception is there. It has been claimed only on the ground that he is one of the witnesses in a criminal case. In case, the petitioner is feeling any insecurity or any threat, he is at liberty to approach the competent police authority for protection while appearing in the Court at the time of recording of his statement but nothing has come out neither from the averment made in the petition nor in the arguments as to whether any application has been moved or even that at the time of appearance before the Court, any threat perception was there. Simply by saying that he is having threat perception because of being witness in a criminal case is not a ground to issue the licence. However, in case, the petitioner thinks that other similarly situated persons have also been granted licences and claim has wrongly been rejected, he is at liberty to avail the appropriate remedy but no contempt is made out.

The petition is accordingly dismissed.

(DAYA CHAUDHARY)
JUDGE

13.11.2017
gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No