

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

(123)

CWP-6487-2017

Decided on: March 29, 2017.

Sawal Singh

.... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Arun Takhi, Advocate, for the petitioner.

M.M.S. BEDI, J (ORAL)

The Licencing Authority, Hoshiarpur having refused to allow the application of the petitioner for making an endorsement/extension of jurisdiction by varying the conditions of the licence already held by the petitioner from Licencing Authority at Bombay, the petitioner has preferred this writ petition. The petitioner has got remedy under Section 18 of the Arms Act to challenge the order of Licencing Authority refusing to vary the condition of the licence held by the petitioner from another State.

Notice to Advocate General, Punjab.

On asking of the Court, Mr. S.S. Chandumajra, Addl. A.G., Punjab, present in the Court, accepts notice. Copy given.

Learned counsel for the petitioner submits that the case of the petitioner is covered under Rule 62 (3) of the Arms Rules, 1962 which only requires that in case of change of place of residence permanently/temporarily for a period of more than 30 consecutive days, the intimation is required to be sent during 30 days of the change to the Licencing Authority of the place as well as the Authority which granted the

licence or last renewed it. The necessary entry regarding change of residence, can be made by a licence holder.

After hearing learned counsel for the petitioner and I am of the considered opinion that the petitioner is required to produce the licence as per Rule 62 of the abovesaid Rules and is entitled to get the permission to hold the licence at the changed place of address which would tantamount to a condition which would fall under the ambit of Section 18 (1) providing appeal against the order of an Authority.

This petition is disposed of relegating the petitioner to avail the remedy under Section 18 by filing an appeal before the competent authority. In case, the appeal is filed within a period of 30 days, the same will be entertained and decided expeditiously preferably within a period of two months by passing a speaking order. If need be, opportunity of hearing will be given to the petitioner.

(M.M.S. BEDI)
JUDGE

March 29, 2017
harsha

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No