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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 2529/2017

ANIL SINGH

..... Petitioner

Through: Ms Mansi Mehta, Advocate.

versus

THE STATE NCT OF DELHI

..... Respondent

Through: Mr Sanjoy Ghose, ASC with Mr
Rishabh Jetly, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **17.08.2017**

1. The petitioner has filed the present petition, *inter alia*, impugning the order dated 19.10.2016 passed by the Appellate Authority (Lt. Governor) rejecting the petitioner's appeal against the decision of the Licensing Authority rejecting the petitioner's application for grant of an Arms Licence.
2. The petitioner had applied for an arms licence on 31.03.2016. Along with his application, the petitioner had also forwarded certain documents in support of his requirement for a fire arm.
3. The petitioner's application was rejected by a communication dated 12.07.2016. A bare perusal of the said order indicates that the only reason for rejection of the petitioner's application was that the local police was not able to carry out the verification as required under Section 13(2) of the Arms Act, 1959, since the petitioner was not available at his residence. The said order is set out below:-

"It is our privilege to interact with you. We have considered your application No 065316ACNN, dated 31/03/2016, along with supporting documents for grant of an Arms License.

After due application of mind and considering all the facts and circumstances of the case, it was found that: In the report from Local Police, as required under section 13(2) of Arms Act, 1959, your case has been returned to this office without verification as you are not available at the address and gone to abroad and will return after a long time.

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.

We would also like to inform you that if you are aggrieved with the order, you may prefer an appeal under section 18 of Arms Act, 1939, to the Hon'ble Court of Lt. Governor, Delhi within 30 days from the date of receipt of this letter."

4. The petitioner states that at the material time he had gone on a short three week vacation to Malaysia - from 04.05.2016 to 27.05.2016. Apparently, the local police had conducted an inspection during that period. It is thus apparent that the petitioner's application was not considered at all in view of want of a verification report.

5. Aggrieved by the aforesaid decision of the licensing authority, the petitioner preferred an appeal before the Appellate Authority (Lt. Governor). The Appellate Authority rejected the appeal by an order dated 19.10.2016; the operative part of which reads as under:-

"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. I am of the view that being a contractor is not good enough reasons for grant of 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 find no reason to interfere with it. As a result, the appeal is dismissed.”

6. Apparently, the Appellate Authority has opined that the licensing authority had considered all aspects of the matter and has passed a fair order keeping in view the facts and circumstances of the case. It is *ex facie* apparent from the above that the said order has been passed without application of mind considering that the licensing authority had not considered the petitioner’s application and had merely rejected it on the ground that the report of the local police had not been submitted.

7. In view of the above, the impugned order is set aside and the matter is remanded to the licensing authority to consider the petitioner’s application for a license uninfluenced by the decision of the Appellate Authority. The Licensing Authority will conduct such enquiries as necessary and take an informed decision.

8. The petition is disposed of with the aforesaid observations. The parties are left to bear their own costs.

VIBHU BAKHRU, J

AUGUST 17, 2017
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