

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

CWP No. 10322 of 2017

Date of Decision: 08.05.2018

MANJIT SINGH

...Petitioner

VS.

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.

Present: None for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

RAKESH KUMAR JAIN, J. (ORAL)

Reply by way of an affidavit of Sh. Gurpreet Singh, PPS, ACP (West) Ludhiana alongwith annexures, on behalf of respondents No. 1 to 3, is filed in the Court and the same is taken on record..

The petitioner was having one arm licence No. 2204/DML/LDH/MDTN/May-1991 which was valid upto 15.05.1012 in which three arms were entered i.e. One DBBL Gun, One NP 315 Bore rifle and one NP .32 Bore pistol, valid within the jurisdiction of the State of Punjab.

Although, three criminal cases were registered against the petitioner in which he was tried and but he was acquitted ultimately in all the cases. The petitioner has applied for renewal of aforementioned arms licence which was not decided one way or the other. Therefore, he filed a writ petition in the Court bearing CWP No. 7108 of 2016 which was decided on 21.04.2016 on the ground that the petitioner has the remedy of filing of an appeal under the Arms Act, 1959. It was informed vide letter dated

28.04.2016 that an appeal of the petitioner has been filed. The petitioner, has thus, filed the present writ petition for seeking a writ in the nature of mandamus for issuance of a direction to respondents No. 1 to 3 for renewal of the arms licence in question of the petitioner.

In the reply filed by the respondents, an order dated 03.03.2017 passed by the Deputy Commissioner of Police, Ludhiana is also annexed, vide which arms licence of the petitioner, for which he is seeking renewal, has been ordered to cancelled.

Learned State counsel has submitted that since, the arms licence of the petitioner has already been cancelled on 03.03.2017, therefore, there is no question of renewal of the same until and unless, order of cancellation is set aside by the competent Court of law. It is also submitted that the petitioner has not made the prayer in this petition for setting aside the order dated 03.03.2017 regarding cancellation of arms licence though he has attached the said order with the writ petition.

After perusal of the records, much less, the prayer made by the petitioner, I agree with the arguments raised by the learned State counsel that the petitioner, for the purpose of renewal of arms licence, has to seek a writ in the nature of certiorari for setting aside the cancellation order dated 03.03.2017 of arms licence because until and unless said order is set aside by the competent court of law, licence of the petitioner, which has allegedly expired, cannot be renewed.

With these observations, present petition is disposed of.

May 8, 2018

Ess Kay

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking / reasoned :

✓
Yes / No

Whether Reportable :

Yes / No