

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.15556 of 2017
Date of Decision: 23.01.2018

Dalbir

. . . . Petitioner

Vs.

State of Haryana and others

. . . . Respondents

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

Present: Mr.Rahul Deswal, Advocate,
for the petitioner.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioner has prayed for the issuance of a writ the nature of mandamus directing the respondents to grant the permission to purchase a new weapon by deleting the old one from his licence and to decide the pending representation dated 22.6.2017 in terms of the order dated 14.3.2017 passed by this Court in CWP No.8148 of 2013.

In brief, the petitioner has alleged that he is running a brick kiln at Sonapat and is also a property dealer. He was granted arms licence No.97/1/DM/JJR/06 on 25.1.2006 which was valid upto 24.1.2009 and has been renewed upto 24.1.2018. The petitioner had purchased a .12 Bore Double Barrel Gun bearing No.14306-05 from Chillar Gun House, Bahadurgarh on 27.10.2007. However, the said weapon was stolen at Delhi and its untraced report was submitted by Metropolitan Magistrate, Delhi vide order dated 5.2.2008. Therefore, the petitioner purchased .32 bore pistol No.256578 from M/s India Gun House, Mansa, Punjab on 12.3.2009.

The said weapon was entered into his arms licence by respondent No.2. It is

further mentioned that one FIR No.64 dated 15.4.2011 was registered under Sections 480, 165, 467, 468, 471 IPC and 25, 54, 59 of the Arms Act at Police Station City Mansa, Punjab against one Mahesh Kumar resident of Mansa (Punjab), who was running a gun house in Mansa (Punjab). The petitioner was asked to produce his weapon with magazines and the photocopy of the arms licence which was taken in possession by the police and in this regard a report dated 10.5.2011 was given to the petitioner. Since his weapon was not released, therefore, the petitioner had filed CWP No.8148 of 2013 along with some other persons titled as “Manoj Kumar and others Vs. State of Haryana and others” for seeking direction to the respondents therein to grant permission to them to purchase new weapons by deleting the old one from their licence. The said writ petition was disposed of on 14.3.2017. The relevant portion of the order passed by this Court dated 14.3.2017 is read as under: -

“This petition is disposed of with a direction to the District Magistrate, Jhajjar to look into the representation Annexure-P-5 for grant of permission to purchase new weapons by the petitioners, in context to the circumstances that there is no criminal case pending against the petitioners. In case, as per the eligibility criteria, the petitioners are entitled to purchase new weapons and they being not involved in any other criminal case or FIR No.64 dated 15.04.2011 under Sections 480, 165, 467, 468 and 471 of IPC and Sections

25 of Arms Act, registered at Police Station, City Mansa, Punjab, they would be entitled for the permission in case the rules permit. Necessary steps be taken to consider the representation-Annexure P-5 within a period of two months. In case, any of the petitioners files any such application by giving detailed individual particulars, the same may also be decided within a period of two months after the receipt of such application.”

It is further submitted that thereafter the petitioner made a representation dated 22.6.2017 to the respondents for complying within the order dated 14.3.2017 but the same has not been done and hence, the present petition has been filed.

I have heard learned counsel for the petitioner in detail and after taking into consideration the facts and circumstances, came to the conclusion that the writ petition is not maintainable because the representation made by the petitioner for seeking permission to purchase new weapon on the old licence has already been disposed of by this Court on 14.3.2017 by issuing a direction to the District Magistrate, Jhajjar, who has been asked to take necessary steps within two months. In case the District Magistrate, Jhajjar has not taken the requisite steps as directed by this Court within a stipulated period, the petitioner cannot be allowed to file another writ petition on the same cause of action seeking a direction to the District Magistrate, Jhajjar as the remedy available to the petitioner is to file a contempt petition in case there is a violation of the order passed by this Court in CWP No.8148 of

2013. Therefore, this petition is not maintainable in its present form and is thus dismissed as such.

23.01.2018		(RAKESH KUMAR JAIN)
<i>Vivek</i>		JUDGE
	<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
	<i>Whether reportable</i>	<i>Yes/No</i>