

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

CWP No. 7178 of 2015

Date of Decision: 12.01.2018

HARPREET PAL SINGH

.....Petitioner

V/S

STATE OF PUNJAB AND OTHERS

.....Respondents

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

Present: Mr. Naresh Kaushik, Advocate,
for the petitioner.

Mr. H.S. Sitta, AAG, Punjab.

RAKESH KUMAR JAIN, J. (Oral)

The petition is filed for setting aside the order dated 10.09.2014 by which the application filed by the petitioner for seeking renewal of his arms licence has been declined.

The respondents have taken preliminary objections about availability of the alternative remedy of filing of an appeal under Section 18 of the Arms Act, 1959 (hereinafter referred to as 'the Act').

Learned counsel for the petitioner has submitted that the application of the petitioner for grant of licence has not been rejected, therefore, the appeal is not maintainable.

I have heard learned counsel for the parties and perused the record.

The petitioner was holding arms licence No. 16044DS/Jalandhar which was for a period of three years. After the expiry of its validity, the petitioner had applied for its renewal which has been declined on the ground of pendency of a criminal case vide FIR 190 dated 04.07.2013

under Sections 295A/341/323/506/148/149 of the Indian Penal Code registered at Police Station Sadar Nakodar, Jalandhar.

Learned counsel for the petitioner has submitted that the pendency of a criminal case is not a ground to decline the renewal of licence.

Be that as it may, in view of the preliminary objections raised by the respondents is that the impugned order is amenable to appeal, as provided under Section 18 of the Act, therefore, the petitioner has no right to file the writ petition to invoke extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

The argument raised by the respondents is accepted because Section 18 of the Act provides that if any person is aggrieved by an order of the licensing authority refusing to grant a licence then the said order can be challenged by way of an appeal.

In this case also, the application of the petitioner for grant of arms licence by way of renewal has been declined by the competent authority, therefore, the only remedy available to the petitioner is of filing of an appeal under Section 18 of the Act before invoking the extraordinary jurisdiction of this Court as the order passed under Section 18 of the Act would be final in case it is passed against the petitioner.

The petition is, thus, disposed of, relegating the petitioner to avail the remedy of appeal, if so advised.

In case, any such appeal is filed within a period of 15 days from the date of receipt of certified copy of this order, the appellate authority shall not raise the issue of limitation as the petitioner has been pursuing his remedy

before this Court by way of this writ petition, and shall decide the same in accordance with law, as early as possible.

January 12, 2018

Ess Kay

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking / reasoned	:	Yes	/	No
Whether Reportable	:	Yes	/	No