

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION NO.20171 of 2019

ORDER:

The present writ petition is filed to declare the action of the second respondent in cancelling the arms license of the petitioner, *vide* proceedings No.A1/58/114/Cyb/2018, dated 06.07.2019, as illegal, without reasoning and contrary to the provisions of the Arms Act, 1959 (for short, 'the Act').

Heard Sri S. Mir Masood Ali Khan, learned counsel for the petitioner and the learned Assistant Government Pleader for Home.

Admittedly, Section 18 of the Act provides for remedy of appeal before the Government against the order passed by the primary authority.

Learned counsel for the petitioner would submit that the impugned proceedings were issued on 06.07.2019 and having received the same, the petitioner is pursuing the proceedings before this Court since 16.09.2019. Learned counsel would therefore submit that liberty may be granted to the petitioner to prefer an appeal before the appellate authority.

In the light of the fact that the impugned proceedings were issued by the second respondent, based on facts, revoking the license of the petitioner, I deem it appropriate to relegate the petitioner to the alternative remedy of appeal provided under the Act. Inasmuch as the petitioner is

pursuing the proceedings before this Court since September 2019, if an appeal, along with an application for condonation of the delay under Section 5 of the Limitation Act, 1963, is filed within two weeks from today, the same shall be taken on record. Upon filing such appeal, the appellate authority shall entertain, condone the delay and consider the same on its own merits and in accordance with law.

The writ petition is accordingly disposed of. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

T.VINOD KUMAR, J

Date: 29.10.2019
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