

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.24301 of 2019

ORDER:

The present writ petition is filed to declare the action of the first respondent in not adjudicating and disposing of Appeal No.C/7919/2019 filed by the petitioner, under Section 18 of the Arms Act, 1959 (for short, 'the Act'), against the order, dated 10.06.2019, passed by the second respondent revoking/canceling the arms licence, as illegal and arbitrary.

2. Heard learned counsel for the petitioner and learned Assistant Government Pleader for Home.

3. Learned counsel for the petitioner submits that aggrieved by the order, dated 10.06.2019, passed by the second respondent, the petitioner has filed an appeal in terms of Section 18 of the Act, on 18.07.2019, and the same is pending adjudication before the first respondent. Learned counsel further submits that as per Rule 108 of the Arms Rules, 2016 (for short, 'the Rules'), an appeal filed before the appellate authority is required to be disposed of within sixty days from the date of receipt of the appeal.

4. Learned Assistant Government Pleader for Home does not dispute this legal position.

5. In the light of the submissions made and in view of the provisions of the Act and the Rules made thereunder, this Court is of the view that a direction needs to be given to the first respondent to dispose of the appeal filed by the petitioner within a time frame.

6. The writ petition is accordingly disposed of, directing the first respondent to dispose of the appeal filed by the petitioner against the order passed by the second respondent in relation to revocation/cancellation of the arms licence, after affording an opportunity of hearing to the petitioner, and in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order, if such appeal is not already disposed of.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

Date:04.12.2019

GJ

JUSTICE T.VINOD KUMAR

