

HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION NO.25779 OF 2019

ORDER:

This Writ Petition is filed to declare the action of the 1st respondent in not disposing of the Appeal Application dated 21.06.2019 filed by the petitioner against the memo No.C2/834/2018 dated 15.02.2019 passed by the Superintendent of Police i.e., the 3rd respondent herein, as being illegal and contrary to the provisions of the Arms Act, 1959 (for short 'the Act') and the Arms Rules, 2016 (for short 'the Rules').

Heard the learned Counsel for the petitioner and learned Assistant Government Pleader for Home.

The fact of the petitioner for filing appeal before the 1st respondent authority against the memo dated 15.02.2019 is not in dispute. It is stated that the said appeal has not been disposed of and is pending consideration before the 1st respondent authority.

The scheme of the Act & Rules and in particular Rule 108 of the Arms Rules, 2016, specifies that any appeal filed shall be disposed of by the appellate authority within a period of sixty days of receipt of the appeal.

Thus, having regard to the scheme of the Act and the Rules framed thereunder, since the appeal filed by the petitioner under Section 18 of the Arms Act, 1959 is pending consideration, this Court is of the view that there shall be a direction to the 1st respondent authority to dispose of the appeal filed by the petitioner on 21.06.2019 against the memo dated 15.02.2019, within a period of six weeks from the date of receipt of a copy of this order, if already not disposed of.

Accordingly, with the above direction to the 1st respondent, this Writ Petition is disposed of. No order as to costs.

The miscellaneous petitions pending, if any, shall also stand dismissed.

T. VINOD KUMAR, J

Date: 29.11.2019.

MRKR