

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

CWP No.3679 of 2019
Date of decision:-11.02.2019

Dharambir Singh

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. K.S. Godara, Advocate for the petitioner.

TEJINDER SINGH DHINDSA, J.(ORAL)

As per pleadings on record father of the petitioner namely Kashi Ram was holding an arms licence bearing No. 121/79 since the year 1979 pertaining to a 16 bore BBN Gun. On 6.07.2017, petitioner sought issuance of an arms licence/transfer of the licence already held by the father to his name on the ground that the father was more than 80 years old. Counsel adverts to the Arms Rule 2016 and whereunder under Rule 25, the licensing authority may grant a licence after the death of the licensee to his legal heirs or in any other case on the licensee attaining the age of seventy years or on holding the firearm for a period of 25 years. Counsel further apprises the Court that after submitting the application, the father of the petitioner has expired on 12.01.2019.

The short grievance raised in the instant petition is that inspite of the case of the petitioner for grant of licence having been recommended by the concerned SHO as also the Deputy Superintendent of Police Dabwali on 06.12.2017 and 28.12.2017, the licence has not been issued. Counsel submits that the matter had thereafter gone upto the level of the

Superintendent of Police Sirsa and who had not recommended for the issuance of the licence.

Precise contention raised by counsel is that under Section 14 (3) of the Arms Act, 1959, a licensing authority may refuse to grant a licence to any person who at the same time is obligated to record in writing the reasons for such refusal.

It is urged that till date no final order on the application of the petitioner seeking the arms licence has been passed and conveyed to him.

Notice of motion.

On the asking of the Court, Mr. Siddharth Sanwaria, DAG, Haryana, accepts notice. A complete copy of the writ paper-book has been furnished to him.

Statement of Mr. Siddharth Sanwaria, DAG, Haryana, is recorded to the effect that in case the application of the petitioner for issuance of the arms licence is still pending, the same would be processed in accordance with law and as per provisions of the Arms Act 1959 and the rules framed thereunder and a final decision thereupon would be conveyed to the petitioner within a period of 10 weeks from today.

In the light of the such statement recorded, no further directions are required to be passed.

Writ petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

11.02.2019

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No