

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

**CWP-11745-2019 (O&M)
Date of Decision:06.05.2019**

Tejinder Pal Singh @ T.P.S. Tung & another ... Petitioners

Versus

State of Punjab & others ... Respondents

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

Present: Mr. R.S. Bajaj, Advocate for the petitioners.

Mr. Sahil Sharma, DAG, Punjab.

...

TEJINDER SINGH DHINDSA, J. (ORAL)

Petitioners who are two in number are practising advocates in this Court.

Instant writ petition is directed against the order dated 13.03.2019 (Annexure P-10) issued by the District Magistrate-cum-District Election Officer, SAS Nagar, Mohali and in terms of which the arms license holders have been called upon to deposit the arms/weapons in view of the forthcoming Lok Sabha Elections. Further petitioners are aggrieved of the communication dated 27.04.2019 (Annexure P-11) issued by the Officer Incharge of Police Station Phase 11, Mohali to ensure compliance of the directive dated 13.03.2019 (Annexure P-10).

Counsel would inter alia contend that the impugned directive at Annexure P-10 is based upon instructions dated 08.01.2007 issued by the Election Commission of India (Annexure P-3) and Clause 4.10 of such instructions contemplates that immediately after the announcement of elections, the District Magistrate shall make a detailed and individual review

and assessment of all license holders so that licensed arms in such cases where it is considered essential are impounded.

Counsel submits that the instructions dated 08.01.2007 (Annexure P-3) issued by the Election Commission of India are with the purpose to ensure maintenance of law and order to ensure free and fair elections.

The precise argument raised by counsel is that the directive dated 13.03.2019 (Annexure P-10) issued by the District Magistrate-cum-District Election Officer, SAS Nagar, Mohali is in the nature of a blanket order and without even undertaking the exercise of a detailed and individual review/ assessment.

It is contended that the petitioners herein do not have any criminal antecedents and in any case the District Magistrate has washed off its responsibility and obligation of having conducted a review and assessment insofar as petitioners herein are concerned prior to calling upon them to deposit their fire arms.

Notice of motion confined at this stage to respondents No.1, 3, 4 and 5.

On the asking of the Court, Mr. Sahil Sharma, learned DAG, Punjab accepts notice on behalf of respondents No.1, 3, 4 and 5 and waives service.

A complete copy of the writ paper book already stands furnished to learned State counsel.

Statement of learned State counsel is recorded to the effect that the application submitted by the petitioners herein seeking exemption from

operation of the impugned directive dated 13.03.2019 and which had been placed on record at Annexures P-4 and P-5 would be considered and a decision thereupon would be taken and conveyed to the petitioners within a period of one week from today.

Statement is accepted.

Writ petition is disposed of.

The operation of the impugned directive dated 13.03.2019 (Annexure P-10) shall be kept in abeyance qua the petitioners till such time a final decision is taken on the application submitted by the petitioners.

A copy of this order be furnished to counsel for the parties under the signatures of the Bench Secretary.

06.05.2019

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

- | | | |
|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |