

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

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CWP-20628-2018

Date of Decision: May 03, 2019

Yamin Khan

.....Petitioner(s)

versus

State of Haryana and others

.....Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Vivek Saini, DAG, Haryana.

JITENDRA CHAUHAN, J. (Oral)

This petition under Article 226/227 of the Constitution of India has been filed for issuance of directions to respondents to consider and decide the representations dated 28.05.2018 (Annexure P-4) and 10.07.2018 (Annexure P-5) filed by the petitioner for renewal of Arms licence.

Notice to the respondents was issued. Reply by respondent Nos.1 & 2 was filed and in view of the reply filed, the State has not wished to file reply on behalf of respondent Nos.3 and 4.

The petitioner was recruited on the post of *Sipoy* in Armed Military Force on 18.08.1999 and retired as such on 30.09.2015. During the service, the petitioner held Arms License No.K/18-Jc(A) DMS, which was issued by Jammu & Kashmir Licensing Authority. The said licence was got renewed on various occasions and the same was valid upto 19.11.2018. The petitioner had obtained “No Objection Certificate” from Govt. of Jammu and Kashmir and produced the same before respondent No.2. The petitioner is permanent resident of District Karnal.

However, the Arms licence of the petitioner has not been renewed so far.

On the other hand, it is contended by the learned State counsel that on receipt of application from the petitioner, his case for renewal of Arms licence was processed. During the process, it came to the notice of the authorities that the petitioner had been issued Arms licence during his service in Jammu and Kashmir and during the said period, he was allowed to carry the weapon throughout India as was the requirement of his job. However, now the petitioner has retired and the Arms licence is valid only in the geographical limit of Sri Nagar. It is further contended that the authority to renew the licence vests with the issuing authority i.e. District Magistrate, Sri Nagar and the respondents have nothing to do in the matter.

Heard.

Rule 17(2) of the Arms Rule-2016 reads as under:-

“ 17. Registration of licence with an outside licensing authority and change of address with existing licensing authority.—

(2) The licensing authority of the new place of residence of the licensee on receiving an application in Form B-1 under sub-rule (1), shall within a period of fifteen days, register the licensee in the NDAL system whereby the UIN of the licensee shall stand activated and transferred to its jurisdiction and deactivated from the records of the original licensing authority or the last renewing authority as the case may be and thereupon a new licence book shall be issued to the licensee and such new authority shall be the licensing or the renewing authority in relation to the said licence. ”

It is to be noticed that the petitioner had been issued Arms licence by District Magistrate, Sri Nagar and the same authority is competent to renew the licence. The District Magistrate, Karnal has no authority to renew the licence. In this view of the matter, no ground for interference is made out.

Dismissed.

May 03, 2019

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[JITENDRA CHAUHAN]

JUDGE

Whether speaking/reasoned :

Yes

Whether Reportable :

No