

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 2992 OF 2017

Vinayak s/o Harishchandra Pachpor (Patil)
Vs.
The Collector, Akola

Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri. A.J. Thakkar, Advocate for petitioner.
Smt. H.N. Prabhu, A.G.P. for respondent.

CORAM : MANISH PITALE J.

DATED : MARCH 2, 2020

By this Writ Petition the petitioner is aggrieved by the fact that his application for grant of licence under the provisions of the Arms Act, 1959 (for short "said Act") has been rejected.

2. The petitioner made an application for grant of such licence by filing an application dated 02.06.2003 before the respondent. It appears that the proceedings remained pending before the respondent for a long period of time and after various certificates were produced, on 24.11.2014, the respondent rejected the application of the petitioner on the ground that he had failed to make out a case for self-defence against wild animals.

3. The petitioner had filed an appeal before the Commissioner, Amravati, to challenge the order dated 24.11.2014 passed by the respondent. By the impugned order dated 03.12.2016, the appeal was rejected by the Commissioner, inter alia, on the ground that it was time barred. Yet, the Commissioner granted liberty to the petitioner to apply afresh for grant of licence under the provisions of said Act.

4. Although the learned counsel for petitioner submitted that the reasons given by the Collector as well as Commissioner were unsustainable, it is an admitted position that the application for grant of licence under the provisions of said Act was filed by petitioner as far back as on 02.06.2003. In view of the same, it was only in the fitness of things that the authorities have given an opportunity to examine as to whether, as on today, the petitioner could make out a case for grant of licence under the provisions of said Act. Therefore, although the Commissioner may not be justified in stating that the appeal filed by the petitioner was time barred, the liberty granted to the petitioner to apply afresh under the provisions of the said Act, in the peculiar facts and circumstances in the present case, appears to reasonable relief granted to the petitioner.

5. Therefore, this Court declines to exercise writ jurisdiction to interfere with the impugned order and the writ petition is dismissed. Yet, it is directed that the petitioner would be at liberty to apply afresh under the

provisions of the said Act for grant of arms licence.

6. The respondent is directed to decide such an application if moved by the petitioner, within a period of three months from the date of filing of such an application. Needless to say, the application shall be decided in accordance with law and in terms of the judgment of this Court in the case of **Pawan s/o Ashok Bora Vs. State of Maharashtra and others, 2017 (4) Mh.L.J. 619.**

7. Dismissal of this Writ Petition will not influence the respondent in deciding afresh any application that may be moved by the petitioner in terms of the liberty granted by this Court.

JUDGE