

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

CWP No.2047 of 2021 (O&M)
DATE OF DECISION: 29.01.2021

Sukhpal Singh

.....Petitioner

versus

State of Haryana and another

.....Respondents

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Rapton, Advocate for the petitioner

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ALKA SARIN, J. (Oral):

Heard through video conferencing.

The present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for setting aside the order dated 14.08.2020 (Annexure P-2) whereby the arms licence of the petitioner was cancelled. A further direction has been sought that the appeal which has been filed by the petitioner be decided in a time-bound manner.

The brief facts of the present case are that the petitioner served as a Police Officer for 33 years and on 12.08.2015 he had applied for the renewal of his arms licence before the Arms Licensing Authority, Gurugram. Pursuant to the police verification, the respondents issued a Notice vide letter No.1061/LC/JCP dated 13.08.2020 and directed the petitioner to file a reply to the notice within a period of 7 days. It has further been averred in the petition that respondent No.2 without waiting for the period of 7 days during which petitioner was directed to file reply, passed the impugned order dated 14.08.2020 whereby his arms licence was cancelled. The said order has been challenged by the petitioner before the Appellate Authority under Section 18 of the Arms Act, 1959. However, the said appeal has not been decided till date.

Notice of motion.

On the asking of the Court, Mr. Rajesh Gaur, Addl. A.G., Haryana has joined the session through video conferencing and accepts notice on behalf of both the respondents.

Learned State counsel points out that the appeal filed by the petitioner is already pending and as such the present petition is not maintainable.

Heard learned counsel for the parties.

There is a provision for an appeal under Section 18 of the Arms Act, 1959 which has already been filed by the petitioner before the appellate authority. However, the appeal was filed in September, 2020 and despite the period of 5 months having elapsed, no order has been passed in the appeal.

In view of the fact that statutory remedy of appeal has already been availed of by the petitioner, this Court deems it appropriate to dispose off the present petition with a direction to respondent No.2 to decide the appeal (Annexure P-3) filed by the petitioner in accordance with law in a time-bound manner, preferably, within a period of one month from the date of receipt of the certified copy of this order.

Disposed off accordingly.

**(ALKA SARIN)
JUDGE**

29.01.2021
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NOTE:

Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO