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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.882 OF 2022

Ratnakar Sidram / Damodar Patange and Another PETITIONERS

VERSUS

The State of Maharashtra and Another RESPONDENTS

.....
Mr. P.R.Katneshwarkar h/f Mr. D. S. Mali, Advocate for petitioners
Mr. S. B. Pulkundwar, AGP for respondent - State
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 19th SEPTEMBER, 2022

ORDER :

1. Challenge in this writ petition is to the orders dated 22nd February, 2021 and 18th October, 2021, respectively passed by the District Magistrate, Osmanabad and Divisional Commissioner, Aurangabad.
2. Petitioner No.2 was holding arms license No. OM-14 since 8th March, 1984, in which his weapon is mentioned as "*N. P. bore Revolver 32 bore Revolver No. 1276934*". The said license was renewed by petitioner No.2, from time to time.
3. The renewal application filed by respondent No.2, on 7th December, 2016 was rejected by the Additional Collector,

Osmanabad by order dated 29th April, 2017, in view of Rule 25 of the Arms Rules, 2016 as petitioner No.2 has crossed the age of 70 years.

4. Petitioner No.2, therefore, by filing application dated 13th June, 2017 along with affidavit, sought transfer of the arms license in the name of petitioner No.1, who is his adopted son. The Collector, after calling reports from the concerned authorities, rejected the application for transfer of arms license, by order dated 6th November, 2019. The Divisional Commissioner, by order dated 9th June, 2020 set aside the order passed by the Collector and remanded the matter back to the Collector for deciding the matter afresh.

5. After remand, the Collector, by order dated 22nd February, 2021 rejected the prayer of petitioner No.2 to transfer the arms license in the name of petitioner No.1.

6. The appeal preferred by the petitioners before the Divisional Commissioner is dismissed on 18th October, 2021 by confirming the order passed by the Collector. Hence, the present writ petition.

7. The record shows that petitioner No.2 has crossed 70 years of age, therefore, in view of Rule 25 of the Arms Rules, the

renewal of arms license was rightly rejected by the Collector.

8. The application for transfer of the arms license in the name of petitioner No.1 is rejected by the Collector, observing that on inquiry, petitioner No.2 has revealed that there was never an attack on him and there was no incident of theft at his house and there was never a life threat to him at any point of time. The Collector held that there is no reason to grant arms license to petitioner No.1 and there are circumstances to transfer the arms license in the name of petitioner No.1.

9. In the license given to petitioner No.2, the number of the revolver is mentioned. By filing affidavit in reply, the respondents have contended that the revolver, which is mentioned in the license, is already sold by petitioner No.2, by obtaining permission dated 11th March, 2022.

10. The transfer of license cannot be claimed as of right. While rejecting the prayer of transfer of arms license, the Collector has given cogent reasons. The Collector has rightly held that there is no concrete reason to grant and/ or transfer the arms license in the name of petitioner No.1. The Collector, in the present case, was justified in relying on Rule 14 (B) (2) of the Arms Rules, which gives discretion to the Collector. The Collector has rightly

exercised the discretion in refusing to transfer the arms license. The Commissioner has rightly upheld the order passed by the Collector.

11. Considering the reasons assigned by the Collector, this Court is of the opinion that the impugned orders passed by the Collector and confirmed by the Commissioner are not liable to be interfered with. There is no illegality or perversity in the orders impugned in the present petition which warrants exercise of extraordinary writ jurisdiction. Writ petition being devoid of merit, is dismissed.

12. Petitioner No.1 is at liberty to apply for grant of arms license in future, if he so desires.

[NITIN B. SURYAWANSHI]
JUDGE