

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

WRIT PETITION NO. 6184 of 2022

Imran Mustafa Khan Niyazi

vs.

State of Maharashtra, through the Secretary, Home Department, Mantralaya, Mumbai & anr

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Zeeshan Z.Haq, Advocate for petitioner.

Ms N. P. Mehta, Assistant Government Pleader for respondent nos. 1 and 2.

CORAM :- A.S.CHANDURKAR AND ANIL L. PANSARE, JJ.,

DATE :- DECEMBER 14, 2022

P. C.

Heard.

The petitioner was issued an arms licence for the duration of 06.08.2018 to 31.12.2020. The same was thereafter renewed for the period from 01.01.2021 to 31.12.2023. The petitioner thereafter on 18.03.2021 moved an application for extension of time to purchase fire-arms as period of two years had expired on 05.08.2020. According to the petitioner, during the said period the petitioner could not purchase any fire-arms and hence he apprehended that under Rule 18 of the Arms Rules, 2016 (for short, the said Rules) for failure to purchase arms during the period of two years from issuance of initial licence, the same would cause legal prejudice to him.

In the earlier proceedings that were filed by the petitioner being Writ Petition No.4381 of 2021, the order dated 20.09.2021 cancelling the arms licence under Rule 18 of the said Rules was set aside on the ground that it was passed without granting any opportunity of hearing to the petitioner. Since an opportunity was granted to the respondent no.2 to take necessary action after complying with the principles of natural justice, various notice dated 25.02.2022, 02.03.2022, 08.03.2022 and 26.04.2022 came to be issued. According to the petitioner by these notices he was

merely asked to remain present before the office of the respondent no.2 and submit his say. It was not clear in the said notices as to why the presence of the petitioner was sought.

In the reply filed by the respondents, it is indicated that sufficient notice as aforesaid was given to the petitioner to furnish his explanation. However, till date no satisfactory explanation has been furnished by the petitioner.

It is seen from the documents on record that the respondent no.2 was of the view that since the earlier action of cancellation of arms licence by the order dated 20.09.2021 was passed without grant of any opportunity of hearing, it has sought to issue further notice asking the petitioner to remain present. The learned Assistant Government Pleader for the respondents submits that the subsequent notices merely seek to obtain the say of the petitioner under Rule 18 of the said Rules.

In these facts with a view to have clarity in the matter, the following directions would meet the ends of justice.

- (I) The respondents shall give clear notice to the petitioner of the action proposed to be taken under the Arms Act, 1959.
- (ii) The petitioner shall attend the office of the respondent no.2 on **17.12.2022**. On that date, the respondent no.2 shall furnish relevant material on the basis of which action, if any, is proposed to be taken in the matter of cancellation of licence to the petitioner.
- (iii) The petitioner shall thereafter within a period of five days file his reply by 23.12.2022. Necessary orders thereon be passed by the respondent no.2 latest by 28.12.2022.

All points raised in the writ petition on merits are kept open. The writ petition is disposed of. No costs.

The authenticated copy of this order be supplied to the learned counsel for the parties.