

108.

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

CWP-8119-2022

Date of Decision: 26.04.2022

GURMEET SINGH

.... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Ranjit Singh Ghuman, Advocate, for the petitioner.

JAISHREE THAKUR.J (Oral)

The petitioner has approached this Court seeking a writ in the nature of mandamus for directing the respondents to consider and decide his application dated 13.02.2020 for renewal of arms licences within a specified time.

Counsel appearing on behalf of the petitioner herein would submit that the petitioner was elected Sarpanch of the village on two occasions. He got issued two arms licence in the year 1990 for DBBL 12 bore gun and one .315 bore rifle. Since 1990, he has not misused the arms nor has any complaint been filed by any public person against him. The Senior Superintendent of Police, Khanna had, however, recommended cancellation of arms licences in question on the ground that an FIR No.124, dated 15.09.2015 under Section 409 IPC was registered at Police Station Payal against the petitioner and on the basis of said FIR, the petitioner was issued a show cause notice for cancellation of the arms licences, to which a detailed reply had been filed vide Annexure P-5 and based on the reply filed, the arms licences of the petitioner stood renewed for a further period from

13.02.2017 to 12.02.2020. On expiry of the aforesaid period, the petitioner again applied for renewal of his arms licences vide his application endorsed vide receipt dated 13.02.2020 but till date no orders have been passed thereon. Counsel would contend that mere pendency of an FIR would not be a ground for declining to renew the licence. In this regard, he would rely upon a judgment rendered by this Court in ***Brijesh Kumar Versus State of Haryana and others, 2021(4) R.C.R. (Civil) 47***. Counsel would submit that at the moment, the petitioner would be satisfied in case his application for renewal of licences is decided expeditiously while keeping the judgment rendered by this Court in mind.

Notice of motion.

At this stage, Mr. Pawan Sharda, Senior DAG, Punjab, who is present in Court, accepts notice on behalf of the respondents.

The writ petition is disposed of with a direction to the respondents to take a decision on the application submitted vide receipt dated 13.02.2020 (Annexure P-6) of the petitioner seeking renewal of arms licences, within a period of two months from the date of receipt of certified copy of this order, in accordance with law, and convey the decision to the petitioner. In case of failure to do so, the officer responsible for the lapse would be liable to costs of Rs.20,000/- from his personal pocket, to be deposited with the Punjab and Haryana High Court Advocates Welfare Fund.

(JAISHREE THAKUR)
JUDGE

26.04.2022
sanjeev

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No