

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.10562 of 2021(O&M)
Date of Decision.07.05.2022

Vipin Verma

...Petitioner

Vs

State of Punjab and others

...Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Mohit Garg, Advocate and
Mr. Gurinderjit Singh, Advocate
for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

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JAISHREE THAKUR J (ORAL)

1. Reply filed on behalf of respondent in Court is taken on record.
2. The petitioner has approached this Court under Article 226/227 of the Constitution of India seeking quashing of the order dated 06.04.2021 (Annexure P-10) whereby licence of the petitioner for arms dealership has been cancelled.
3. Brief facts, as enumerated in the writ petition, are that the petitioner is engaged in the business of selling of arms since 2011 and was issued licence (Annexure P-1) for the said purpose by the competent authority. The petitioner is also a member of Shooting Academy, Rupnagar and therefore, has a very good knowledge of handling and repairing arms. In the year 2018, petitioner was issued a notice by the District Magistrate, Rupnagar alleging that the petitioner has not appointed any security guard, which is mandatory as per Rule 73 of the Arms Rules, 2016. The petitioner replied to the said notice stating that security guard is appointed and also enclosed salary receipts with the said reply evidencing that the security guard

was being paid salary on 7th day of every month. However, on 18.07.2018, another notice was issued to the petitioner for furnishing complete details of the security guard, which were duly provided vide letter dated 26.07.2018 by the petitioner. Again on 20.08.2018, a letter was received from the office of District Magistrate, Rupnagar for providing documents relating to complete personal details of the security guard, copy of attendance register, copy of I.D. card and from which company security guard has been hired. On 23.08.2018, petitioner provided the information sought in the letter dated 20.08.2018 by stating that Rajdeep Singh is working as security guard since May, 2018 till date and earlier Gagandeep Singh worked as security guard from June, 2017 to April, 2018 and the salary was being paid in cash to the security guards. On 14.10.2020, Department of Home Affairs and Justice, Punjab issued show cause notice alleging new violations of the Arms Rules, 2016, which were never communicated to the petitioner at earlier point of time. Petitioner duly replied to the said show cause notice and appeared before the concerned authorities personally to put forward his stand that he has not violated any provisions of the Arms Act/Rules. However, the Additional Chief Secretary, Department of Home Affairs and Justice, Punjab vide order dated 06.04.2021 has revoked the ammunition dealership licence of the petitioner with immediate effect. Hence, this writ petition.

4. Learned counsel appearing for the petitioner would contend that the impugned order is non-speaking and cryptic in nature and therefore, is not sustainable. To corroborate his argument, he relies upon Section 17(5) of the Arms Act, 1959 showing that where the licensing authority makes an order varying a licence under sub-section (1) or an order suspending or revoking a licence under sub-section (3), it shall record in writing the reasons therefor

and furnish to the holder of the licence on demand a brief statement of the same unless the licensing authority is of the opinion that it will not be in the public interest to furnish such statement.

5. Learned counsel appearing for the respondent-State supports the impugned order by contending that the petitioner has not complied with the instructions issued from time to time as had been mentioned in the show cause notice and also violated the provisions of Arms Rules, 2016 and therefore, his arms dealership licence has rightly been revoked. It is also submitted that the petitioner did not submit information regarding sale of weapon to one Balwinder Singh on 12.03.2019, which he was bound to submit during enforcement of Model Code of Conduct for General Elections in 2019 and the said weapon was used in murder of Neha Shoree, the then In-charge of Food and Drug Administration, Rupnagar.

6. I have heard learned counsel for the parties and have perused the paper book with their assistance. The relevant portion of the impugned order is reproduced as under:-

“3. While considering the various correspondence with the office of District Magistrate, Rupnagar from time to time and the proposal received from them it is revealed that M/s Vipin Gun House, Arms and Ammunition Dealer Shop No.1702-II, near Lahiri Shah Mandir, Rupnagar, Punjab did not follow the Arms Rules and instructions issued by the government from to time. In view of which candidate’s ammunition dealership licence is revoked with immediate effect.”

7. A bare perusal of the impugned order would reveal that the concerned authority did not take into consideration the reply submitted by the

petitioner or the averments made by him during personal hearing. The impugned order is *sans* reasoning, on the basis of which, the concerned authority came to the conclusion of revocation of ammunition dealership licence of the petitioner. As per Section 17(5) of the Arms Act, the Licensing Authority shall record in writing the reasons on the basis of which the licence of the holder has been suspended or revoked, which has not been complied with by the concerned authority while passing the impugned order.

8. In view of the aforementioned facts and circumstances, the writ petition is allowed and the impugned order is set aside. The concerned authority is directed to reconsider the case of the petitioner within a period of two months from the date of receipt of certified copy of this order and pass a speaking order, in view of Section 17(5) of the Arms Act.

(JAISHREE THAKUR)
JUDGE

May 07, 2022
Pankaj*

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No