

106.

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-15725-2022

Date of Decision: 22.07.2022

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 herein has approached this Court under Articles 226/227 of the Constitution of India seeking to challenge the order dated 24.06.2022 (Annexure P-11) passed by Additional District Magistrate, Khanna, respondent No.2, who has declined to renew his arms licence.

Counsel for the petitioner would contend that the petitioner had earlier approached this Court by way of filing a writ petition CWP No.8119 of 2022 seeking a limited prayer for the respondents to consider and decide his application for renewal of arms licence. This Court by order dated 26.04.2022 had disposed of the writ petition with a direction to the respondents to take a decision on his application in accordance with law. At that time, counsel for the petitioner had relied upon judgment rendered in ***Brijesh Kumar Versus State of Haryana and others, 2021(4) R.C.R. (Civil) 47*** to contend that mere registration of an FIR would not be a ground to deny renewal of licence.

Pursuant to the order of the High Court, the Additional District Magistrate has decided the matter holding that the petitioner would not be entitled for renewal of his arms licence on the ground that there are two FIRs pending against him.

At this stage, counsel appearing on behalf of the petitioner would argue that the said order would not be sustainable in the light of the judgment rendered in ***Brijesh Kumar's case (supra)*** which has not been taken note of. He would submit that two FIRs which are pending and registered against him do not involve the use of arms and no Section under the Arms Act stands invoked.

Notice of motion.

At this stage, Ms. Akshita Chauhan, AAG, Punjab, who is present in Court, accepts notice on behalf of the respondents and raises a preliminary objection that the instant writ petition would not be maintainable in the light of Section 18 of the Arms Act which provides for an appeal to be filed.

Faced with this, counsel appearing on behalf of the petitioner seeks permission to withdraw the instant writ petition and avail of his remedy in accordance with law. At this stage, a prayer is made that since he had approached this Court impugning the order of the Additional District Magistrate, that period of limitation may be condoned.

Counsel appearing on behalf of the respondents submits that such remedy may be availed of and has no objection.

In case the petitioner files his appeal before the appellate authority within two weeks, let the same be decided within a period of two

months thereafter considering the fact that the petitioner had finally applied for renewal of his arms licence as far back as in 2020.

Petition stands disposed of on the above terms.

(JAISHREE THAKUR)
JUDGE

22.07.2022

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