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

CWP No. 21752 of 2022
Date of Decision: 21.09.2022

Ganpati Gun House, Amritsar

-Petitioner

Versus

State of Punjab and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Jatinder Nagpal, Advocate,
for the petitioner.

Mr. R.S. Pandher, Sr. D.A.G., Punjab.

RAJ MOHAN SINGH, J. (Oral)

Petitioner has preferred this writ petition for the issuance of an appropriate writ in the nature of certiorari quashing the impugned order dated 14.02.2020 passed by District Magistrate, Amritsar thereby declining renewal of arms dealer licence of the petitioner.

Perusal of the record would show that dealership licence of the petitioner was valid upto 31.12.2016 and thereafter, he had applied for renewal of the same, but no decision was passed on the application of the petitioner.

Eventually, the petitioner had to file CWP No.23278 of 2019 which was disposed of vide order dated 29.08.2019 on

the statement of learned State counsel that the pending application of the petitioner would be processed in accordance with law and as per provisions of the Arms Act and Rules framed thereunder. Final order was required to be passed at the earliest, preferably within three months from 29.08.2019. Owing to the failure on the part of State of Punjab to pass appropriate order within the time stipulated, petitioner ultimately filed COCP No.187 of 2020.

During pendency of the proceedings, factum of passing of order dated 14.02.2020 came to be noticed by the petitioner as the same was produced before the contempt Court. COCP No.187 of 2020 was disposed of on the statement made by learned counsel for the petitioner, seeking liberty to challenge the order dated 14.02.2020 by way of appropriate proceedings in accordance with law.

Learned State counsel submits that order dated 14.02.2020 is appealable order under Section 18 of the Arms Act and the petitioner has not availed the remedy of appeal.

Faced with the situation, learned counsel for the petitioner submits that the petitioner may be granted liberty to file an appeal before the appropriate appellate authority and the period of limitation be directed to be waived off as the petitioner has filed the present writ petition in time and order dated

14.02.2020 was never communicated to the petitioner and the petitioner came to know about the same only during the pendency of contempt proceedings.

This writ petition is disposed of with a liberty to the petitioner to avail remedy of appeal before the appropriate authority.

Plea of limitation, if any raised by the respondent shall be considered sympathetically by the appellate authority in view of Section 14 of the Limitation Act.

21.09.2022

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

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