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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-8679-2017  
Decided on: 01.08.2022

JATINDER PAL SINGH

Petitioner

VERSUS

UNION OF INDIA & OTHERS

Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Naveen Bawa, Advocate  
for the petitioner.

Mr. Arun Gosain, Advocate  
for respondent Nos.1 and 2.

Mr. Pawan Sharda, Sr. DAG, Punjab.

**JAISHREE THAKUR J.**

1. The instant petition has been filed seeking a writ, order or direction in the nature of certiorari for quashing impugned order dated 31.03.2016 (Annexure P-6), whereby the request for grant of prohibited bore arms licence to the petitioner under Family Heirloom Policy has been rejected.

2. In brief, the facts are that arms licence No.792/DM/LDH/SHWL/JAN-1971 of .38 P-Bore revolver No.12906 was issued to the father of the petitioner herein and the same was got renewed from time to time by his father. The last renewal was on 13.01.2016 for a period of three years and the licence was valid upto 12.01.2019. As the licence holder i.e. the father of the petitioner had attained the age of 70 years and held the weapon for more than 25 years, the petitioner

sought to have the same transferred on to his name by relying upon the policy as issued by the Government of India. The petitioner submitted an application No.9901300L4 dated 11.02.2013 for issuance of P-Bore arms licence for .38 bore revolver and submitted the requisite documents along with the affidavit of his father regarding grant of prohibited arms licence on the basis of Family Heirloom Policy to the petitioner herein. The SHO, Sahnewal and ACP, Sahnewal conducted a detailed inquiry for issuance of said licence to the petitioner and then the Deputy Commissioner of Police, Ludhiana issued letter No.1208/Arms Licence Unit, dated 08.05.2015 to the Principal Secretary, Home Affairs & Justice, Punjab recommending to issue arms licence for .38 P-Bore revolver No.12906 to the petitioner on the basis of Family Heirloom Policy, however, instead of issuing a P-Bore arms licence under Family Heirloom Policy to the petitioner herein, the application stands rejected by the impugned order dated 31.03.2016.

3. Learned counsel for the petitioner herein would submit that the rejection for grant of P-Bore arms licence to the petitioner is against the policy of the Government of India itself. He would rely upon guidelines dated 08.12.2003 Annexure P-2, wherein it is specifically stated that when the licence holder has attained the age of 70 years and has held the weapon for more than 25 years, the said licence can be transferred on the basis of "*Family Heirloom Policy*". It is submitted that in the instant case, the father of the petitioner had held the weapon and the licence for more than 25 years and had also attained the age of 70 years and, therefore, there would be no embargo on transferring the said licence in the name of the petitioner herein.

4. Pursuant to notice of motion having been issued on 23.01.2018, respective replies have been filed by the respondents. It is stated that the policy as relied upon by the petitioner is no longer valid and now stands substituted by a policy dated 06.04.2010 (Annexure R-1). Learned counsel for respondents would argued that by virtue of the said policy, the petitioner herein is not entitled to grant of an arms licence.

5. I have heard learned counsel for the parties and have perused the pleadings of the case and the policy dated 06.04.2010.

6. The case of the petitioner is that his father has attained the age of 70 years and held the weapon for more than 25 years and, therefore, the petitioner would be entitled to transfer of the said licence for the said weapon under the *Family Heirloom Policy*. The rejection order of the petitioner's application for grant of the said licence is a non-speaking one and does not mention the reasons as to why the licence could not be transferred on to the name of the petitioner herein or why the same cannot be granted to him. Learned counsel for respondents has relied upon policy dated 06.04.2010 Annexure R-1, appended to the reply filed by respondent Nos.1 and 2, which is contrary to the arguments as raised. As per clause (iii) of the said policy, which pertains to grant of licences under the Family Heirloom Policy, it has been decided to extend the scope of legal heir ship to other relations of the licence holder as earlier transfer could be made only to husband, wife, son and daughter.

7. Since the rejection order is devoid of any merit and reading of the said policy dated 06.04.2010, as relied upon by learned counsel for the respondents, merely acknowledges the fact that the licence can be transferred on the death of the

licencee or in case the licensee has attained the age of 70 years or has held the weapon for more than 25 years, this Court is of the opinion that the case of the petitioner herein has to be considered therein.

8. Consequently, the instant writ petition is allowed and the impugned order dated 31.03.2016 (Annexure P-6) being wholly non-speaking is hereby set aside.

9. The matter is remanded back to the concerned authorities to consider the case of the petitioner herein in view of the current policies in existence and take a decision thereon, preferably within a period of one month from the date of receipt of the certified copy of this order, in accordance with law and in case, all other parameters are satisfied, the arms licence be issued 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**

**01.08.2022**  
Chetan Thakur

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