

2023:PHHC:084696

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CWP-12421-2023 (O&M)
Date of Decision:-6.7.2023

Kamaldeep

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Chander Shekhar Singhal, Advocate for the petitioner.

Mr. Samarth Sagar, Additional Advocate General, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner assails order dated 12.12.2022 (Annexure P-13) passed by District Magistrate, Ambala vide which the petitioner has been declined issuance of an arms license.
2. Learned counsel for the petitioner submits that the case of petitioner would be covered under 'Family Heirloom Policy' inasmuch as his father has been issued a license for a non-prohibited bore and who unfortunately expired in a road accident on 8.12.2015. Learned counsel for the petitioner submitted that the petitioner has never been convicted in any case and that there is nothing on record to show that the weapon has ever been misused by any member of family of the petitioner. It is submitted that the Halqa Patwari has also made a report to the effect that the petitioner is not involved in any other case.
3. Notice of motion.

4. Pursuant to service of advance notice, Mr. Samarth Sagar, Additional Advocate General, Haryana has put in appearance on behalf of the respondent – State.
5. Learned State counsel has pointed out that the order in question is an appealable in terms of Section 18 of Arms Act, 1959 and as such the instant writ petition is not maintainable.
6. In view of the fact that an efficacious remedy of statutory appeal against the impugned order is available, the instant petition is disposed of with liberty to the petitioner to avail of the remedy of appeal.
7. In case any such appeal is filed, the Appellate Authority shall take a liberal view as regards the limitation prescribed for filing of appeal and also have due regard to the Family Heirloom Policy and also the antecedents of petitioner.

6.7.2023

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No