

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

CWP-14170-2019

Date of Decision: 16th February, 2023

Rahul Malik

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr.Rishi Lal, Advocate for the petitioner.

Mr. Sharad Aggarwal, AAG, Haryana.

AVNEESH JHINGAN , J.(Oral)

1. This writ petition in the nature of Certiorari is filed seeking quashing of orders dated 4.9.2017 and 4.1.2019 rejecting the application for issuance of Arms licence and dismissing the appeal respectively.

2. Brief facts of the case are that application for issuance of Arms licence was rejected due to involvement of petitioner in FIRs. The petitioner was beaten by his brother-in-law and five-six other persons and for the incident FIR No. 731 dated 12.10.2016 was registered at Police Station Faridkot. The petitioner was involved in FIR No. 735 dated 12.10.2016 and FIR No. 871 dated 17.12.2016. The appeal against the rejection was dismissed vide order dated 4.1.2019. The appellate authority considered that the cases of three FIRs are still pending.

3. Learned counsel for the petitioner submits that the order of cancellation is non-speaking order. FIR No. 731 and FIR No. 735 are cross cases and are result of an incident that took place on 9.10.2016, where the dispute was amongst the relatives.

4. Learned State Counsel defends the impugned orders.
5. Section 17(5) of the Arms Act, 1959 (for short 'the Act') is reproduced below :-

‘(5) 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 therefore and furnish to the holder of the licence on demand a brief statement of the same unless in any case the licensing authority is of the opinion that it will not be in the public interest to furnish such statement.’

6. Sub-section (5) makes it obligatory for the licensing authority to record reasons in writing while varying the conditions, suspending or revoking the licence. The reasons are to be furnished to licence holder on demand, the exception being in case when licensing authority is of opinion that it will not be in public interest to supply such reasons.

7. From the perusal of the order dated 4.9.2017, it is evident that the blanks in a pre-printed performa were filled and the order is bereft of reasons.

8. The passing of an order on a printed form by filling in the blanks is deprecated. The order shows non-application of mind, non compliance of sub-section 5 to Section 17 and violative of principles of natural justice. It is trite law that the quasi judicial authority should record reasons. Under the Act the requirement to record reasons in writing is stipulated under Section 17(5). Consequently, the impugned orders are set aside and matter is remanded to respondent No.3 decide the application afresh. The petitioner shall appear before respondent No.3 on 20.3.2023 at

11:00 AM.

9. Petition is allowed.
10. Since the main case has been decided, the pending application(s), if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

16th February, 2023
anuradha

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