

2023:PHHC:083974

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

CWP-13965-2023 (O&M)
Date of Decision:-5.7.2023

Ashwani Walia ... Petitioner

Versus

State of Haryana and others ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Naveen Gupta, Advocate for the petitioner.

Mr. Samarth Sagar, Additional Advocate General, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner assails order dated 7.4.2022 (Annexure P-10) passed by Deputy Commissioner, Ambala vide which the petitioner has been declined issuance of an arms license.
2. Learned counsel for the petitioner submitted that petitioner's father has been issued an arms license for non-prohibited bore, which is valid upto the year 2026. Learned counsel for the petitioner further submitted that as per the Family Heirloom Policy, which is part of Annexure P-11, the petitioner is duly entitled for arms licence. The relevant extract of the said policy dated 6.4.2010 reads as follows:

“iii) **Grant of Licences under family heirloom**

Attention is invited to the instructions contained in MHA's letter No. V-11019/23/95-Arms dated 28-02-1995 regarding grant of licences to

the legal heir of existing licensee, after the death of the licensee or the licensee has attained the age of 70 years or had held the weapon for 25 years or more. Normally, the scope of legal heirs is extended to husband, wife, son & daughter. It has been decided to extend the scope of legal heir ship to the son-in-law, daughter-in-law, brother and sister of the existing licensee. Accordingly, the applications for transfer of weapons from the said categories of relatives of the licensee may also be considered subject to other conditions stipulated in the said letter.”

3. Learned counsel for the petitioner submitted that the petitioner’s father is aged more than 90 years and has been holding the arms licence since the last more than 30 years and that till date 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 has thus been submitted that under these circumstances, the petitioner ought to have been issued the requisite license particularly when No Objection Certificate (NOC) had already been issued by respondent No.4 - Superintendent of Police, Ambala.
4. Notice of motion.
5. Pursuant to service of advance notice, Mr. Samarth Sagar, Additional Advocate General, Haryana has put in appearance on behalf of the respondent – State.
6. Learned State counsel has pointed out that the order in question is an appealable and as such the instant writ petition is not maintainable.
7. In view of the fact that there is an efficacious, alternate remedy of statutory appeal against the impugned order, the instant petition is disposed of with liberty to the petitioner to file an appropriate appeal before the Appellate Authority.

8. 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 fact that the arms license or the fire-arm in question has never been misused till date by the petitioner or by any member of his family.

5.7.2023
pankaj

(Gurvinder Singh Gill)
Judge

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