Sr. No. 192

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT JAMMU

WP(C) No. 1246/2024
CM No. 3159/2024

…. Petitioner/Appellant(s)

M/s Naya Kashmir Syndicate
Through its surviving partner
Vijay Soni, Industrial Estate Ext. Area,
Ashok Nagar, Jammu Cantt

Through:- Mr. Ankur Sharma, Advocate

V/s

Union of India Ministry of Home Affairs Through Chief Secretary New Delhi
2. District Magistrate,
Jammu.
3. Senior Quality Assurance Establishment (Armament) (SQAE)
Through its commandant Quality Assurance & Proof, Khamaria, Jabalpur Madhya Pradesh.
(under overall contror of Ministry of Defense.

…..Respondent(s)

Through:- Mr. Vishal Sharma, DSGI
Ms. Sagira Jaffar, assisting counsel to
Mrs. Monika Kohli, Sr. AAG

CORAM : HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL, JUDGE

ORDER
31.05.2024

01. Petitioner in this petition seeks the following reliefs:-

(a) Directing respondents No. 2 to immediately issue Transport License under Rule 59 (11) of the Arms Rules, 2016 in favour of the petitioner for which the petitioner has applied vide application dated 21.02.2024 for proof testing of 194 fresh BL (Breach Loading) Guns (117 SBBL + 77 DBBL) and 34 Rectified SBBL Guns as the application filed by the petitioner for the grant of the Transport License in a time bound manner;

(b) Directing the Respondent No. 3 to accept the "Proof testing request of the Rectified Guns being sent by the petitioner as the petitioner has rectified and applied for the same within the stipulated time frame as mentioned in Rule 59 (13) of Arms Rules 2076.

02. The petitioner has approached the District Magistrate, Jammu by way of an application for grant of Transport Permit for Proof Testing of 194 Fresh BL Guns (117 SBBL + 77 DBBL) & 34 Rectified SBBL Guns to be sent to SQAE(A), Khamaria, Jabalpur & for bringing back after proof testing.

03. The case of the petitioner is that the said application seeking permission is pending before the District Magistrate, Jammu since 21.02.2024 and no action is being taken by the respondent-District Magistrate, Jammu on the said application. Learned counsel for the petitioner submits that the said application is to be decided by the said respondent-District Magistrate, Jammu without any delay and by keeping the application pending and by not passing any order in the same, the petitioner is subjected to great loss.

04. Notice.

05. Mr. Vishal Sharma, learned DSGI accepts notice on behalf of respondent Nos. 1 & 3 and Ms. Sagira Jaffar, assisting counsel to Mrs. Monika Kohli, learned Sr. AAG on behalf of respondent No. 2, who submit that this petition can be disposed of at this stage by providing that the District Magistrate, Jammu shall consider and decide the application filed by the petitioner which is pending before the District Magistrate, Jammu, within a period of one week.

06. With the consensus of learned counsel for the parties, this petition is disposed of at this stage with a direction to the respondent-District Magistrate, Jammu to consider and decide the application filed by the petitioner seeking Transport permit expeditiously and pass an order on the same within a period of one week from the date copy of this order along with copy of this petition is served upon the respondent concerned.

07. This petition is disposed of in the above terms.

(VINOD CHATTERJI KOUL)
Judge

JAMMU
RAM MURTI/PS
31.05.2024

Ram Murti
2024.05.31 17:34
I attest to the accuracy and
integrity of this document