



CWP-1151-2023

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

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CWP-1151-2023

Date of decision:13.11.2024

GURNAM SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Lakhwinder Singh Mann, Advocate
for the petitioner.

Mr. Brijesh, AAG, Punjab.

SUVIR SEHGAL, J. (ORAL)

1. Instant writ petition has been filed under Articles 226/227 of the Constitution of India *inter alia* for issuance of a writ in the nature of certiorari for quashing impugned orders dated 21.09.2018 and 14.07.2021, Annexures P-3 and P-5, passed by the respondent-authorities.
2. Counsel for the petitioner submits that petitioner's father, Jagtar Singh, possessed an arms license of .12 bore DBBL gun. After his father suffered a paralysis attack and became incapable to handle the weapon, petitioner moved an application, Annexure P-1, for grant of license and deposited the requisite fee. He submits that a report, Annexure P-2, was received from the SSP, Jalandhar, whereby a favourable recommendation was made. Vide impugned order, Annexure P-3, the licensing authority



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rejected the application and the petitioner remained unsuccessful in the appeal, which was dismissed vide impugned order, Annexure P-5. Counsel for the petitioner contends that the authorities have failed to notice the recommendation made by the police authorities and have proceeded to reject the application by holding that there is no threat to the petitioner. It is his argument that the Appellate Authority has not assigned any reason in support of the impugned order, Annexure P-5.

3. Upon notice, petition has been contested by the respondents by filing a short reply, wherein it has been submitted that the petitioner did not fall within the guidelines dated 31.03.2010, Annexure R-1, issued by the Government of India and he could not give any satisfactory reason for the issuance of a firearms license.

4. I have heard counsel for the parties and considered their respective submissions.

5. At the outset, the operative part of the order passed by the Appellate Authority deserves to be noticed and is reproduced hereunder:-

“3. I have considered the arguments advanced by the ld. counsel for the appellant and has gone through the record. The order of the A.D.C. Jalandhar is detailed and there is no illegality in the order dated 21/9/2018. There is no merit in the appeal and the same is hereby dismissed. The appellant is however advised to reach out to the D.M. Jalandhar for deposit of his father’s license if the father is incapable to handle the firearm due to age. ”



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6. A perusal of the above reproduced order shows that the appellate authority has failed to assign any reason while dismissing the appeal. The appellate authority has neither considered the submissions made by counsel for the petitioner nor has it discussed them. Even the recommendation made by the police authorities have not been taken into account. The appellate authority has simply endorsed the order passed by the licensing authority without applying its individual mind. In **Kranti Associates Pvt. Ltd. and another Versus Masood Ahmed Khan and others (2010) 9 SCC 496**, Supreme Court has held that reasons are an indispensable component of decision making process and an order affecting the rights of the parties has to be self-speaking. This Court, therefore, has no hesitation in coming to the conclusion that order, Annexure P-5, cannot be sustained.
7. For the afore-going reason, impugned appellate order, Annexure P-5, is set aside and the matter is remitted to the appellate authority to decide the appeal afresh by passing a speaking order, after giving an opportunity of hearing to the parties.
8. Writ petition is disposed of.
9. Parties are directed to appear before the appellate authority on 10.01.2025, at 10:00 A.M., for further proceedings in accordance with law.

13.11.2024
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No