

CWP-3532-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(101)

CWP-3532-2024

Date of decision:- 04.04.2024

Kamruddin

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Sanyam Khetarpal, Advocate
for the petitioner.

...

SUVIR SEHGAL, J. (Oral)

1. Petitioner has approached this Court by filing a writ petition under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari for setting aside impugned orders dated 22.03.2023, Annexure P-7, and 29.11.2019, Annexure P-5, passed by respondents No.2 and 3, respectively, whereby, his application for renewal of Arms Licence has been rejected.

2. Counsel for the petitioner submits that petitioner had an Arms Licence, Annexure P-1, which was valid upto 20.03.2018. He submits that as the Arms Licence was stolen, an application dated 05.01.2018, Annexure P-2, was submitted with Police Station Sadar Nuh. After surrendering the fire-arm with a private Gun House, vide receipt dated

11.05.2019, Annexure P-3, counsel submits that petitioner applied for renewal of the licence and deposited the requisite fee on 28.05.2019. He was issued a show cause notice and by reply dated 09.07.2019, Annexure P-4, he explained the reason for delay in applying for renewal. Counsel submits that the application was rejected by the Licensing Authority, vide order, Annexure P-5, and the appeal preferred against the said order was dismissed by respondent No.2, vide order, Annexure P-7, which are being challenged in the instant petition. Counsel submits that the delay in applying for the Arms Licence, was on account of the fact that the licence was stolen, and he was not aware of the requirements of the Arms Rules, 2016.

3. Arguments addressed by the counsel for the petitioner have been considered.

4. Rule 24(2) of the Arms Rules, 2016, deserves to be noticed and is reproduced as under:-

“(2) An application for renewal of a licence for arms or ammunition shall be filed in the Form wherein specified at least sixty days prior to the expiry of the said licence with the licensing authority along with the documents wherein specified in the Form.

Provided xxx”

5. A perusal of the above reproduced sub-rule shows that an application for renewal has to be submitted 60 days prior to the expiry of

the licence along with the requisite documents in the specified form. Mere fact that the petitioner was not aware of the Rule, is not sufficient to condone the delay of six months in the submission of the application. Even if the original licence of the petitioner was stolen, as claimed by him, he was in possession of its photocopy, which has been appended as Annexure P-1. It is evident that the reason given by the petitioner is unconvincing and does not inspire any confidence. Furthermore, there is a discrepancy in the date of birth of the petitioner in the documents submitted by him along with his application, which he has not been able to explain. Therefore, this Court does not find any reason to interfere in the impugned orders passed by the respondent-Authorities.

- 6. Petition is dismissed.
- 7. Needless to mention, the rejection of the application for renewal vide the impugned orders would not bar the petitioner from submitting an application for grant of a fresh licence for fire-arm, in case it is permissible under the law.

(SUVIR SEHGAL)
JUDGE

04.04.2024
Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes