

CWP-4058-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(103)

CWP-4058-2024

Date of decision:- 02.04.2024

Ajay Joneja

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Gorav Kathuria, Advocate, for the petitioner.

...

SUVIR SEHGAL, J. (Oral)

1. By way of present writ petition, petitioner has *inter alia* approached this Court for issuance of a writ in the nature of certiorari for quashing order dated 20.04.2023, Annexure P-6, as well as appellate order dated 05.07.2023, Annexure P-8, passed by respondents No.3 and 2, respectively, whereby, petitioner's application for renewal of Arms Licence has been rejected.

2. By placing reliance upon the judgment of the Allahabad High Court in *Ram Kripal Singh Versus State of U.P. and others, 1987 All. LJ 1209*, counsel for the petitioner has contended that where an application for renewal of Arms Licence is not made within the prescribed period and the Licensing Authority is not satisfied with the reason offered explaining the delay, application for renewal is to be treated as a fresh one.

3. Notice of motion.

4. On asking of the Court, Mr. Aman Bahri, Additional Advocate General, Haryana, accepts notice on behalf of the respondents. He is not in a position to cite any judgment to the contrary.

5. I have heard counsel for the parties.

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6. Petitioner has not been able to give any satisfactory reason for delay of more than one year and 10 months in applying for renewal of licence for fire-arm. The ground taken that he was under a wrong impression that the licence was valid for a period of 5 years, is flimsy, and cannot be accepted. Therefore, there is no infirmity in the orders under challenge.

7. Interpreting Sub Rule 4 of Rule 54 of the Arms Rules, 1962 (now repealed), which is pari materia with Rule 24(5) of the Arms Rules, 2016, Allahabad High Court in **Ram Kripal Singh** case (supra) has held as under:-

“6. A perusal of the aforesaid provisions makes it clear beyond doubt that normally renewal of the licence is to be granted by the licensing authority, where the application for such renewal is made within the prescribed period, subject to the conditions laid down in the provisions of the Act and the Rules and that renewal can also be granted even where there has been some delay on the part of the applicant to apply for it if the delay in making the renewal application is satisfactorily explained to the satisfaction of the authorities by applicant therefore. These provisions also show that where an application for renewal is not made within the prescribed period and the licensing authority is not satisfied with the reason offered for applying for renewal with delay, the application for renewal is to be treated to be an application for a fresh licence. In any case, the renewal of licence cannot be refused upon the mere circumstance of delay in applying for it” (Emphasis added)

8. As has been observed by the Allahabad High Court, once the Licensing Authority is not satisfied with the reason given for delay in applying for renewal, application for renewal is to be treated as a fresh application for issuance of licence. This Court is of the view that in view of the above interpretation, petitioner's application, Annexure P-3, deserves to be considered as a fresh one.

9. Accordingly, petition is disposed of with a direction to respondent No.3, to treat application, Annexure P-3, as a fresh application, and to take decision thereon in accordance with the provisions of the Arms Act, 1959 and Rules framed thereunder.

10. If there are any requirements for furnishing any additional document, deposit of fee etc., respondent-authorities will be at liberty to call upon the petitioner to furnish the same.

(SUVIR SEHGAL)
JUDGE

02.04.2024
Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes