



CWP-5098-2024

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

(101)

CWP-5098-2024

Date of decision:- 30.09.2024

Ravinder Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. A.S.Khosa, Advocate
for the petitioner.

Ms. Amrita Garg, Assistant Advocate General, Punjab.

...

SUVIR SEHGAL, J. (Oral)

1. Instant writ petition has been filed under Article 226/227 of the Constitution of India, *inter alia* for issuance of a writ in the nature of mandamus directing respondents No.2 and 3, to renew petitioner's firearm license.

2. Counsel for the petitioner submits that petitioner was issued arms license bearing No.DM/FZK/DUP/ARWL/0317/167, which was valid till 12.01.2020. He submits that petitioner applied for renewal of the license in the year 2022, and as per information received by him under the Right to Information Act, 2005, application stands rejected.



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3. On an advance copy served upon the respondents, reply by way of affidavit of Additional Deputy Commissioner, Fazilka, has been filed on behalf of respondents No.2 and 3. It has been submitted that the application was rejected on the basis of a police report dated 08.03.2021, whereby the Senior Superintendent of Police, Fazilka, did not recommend for renewal of the arms license.

4. Upon instructions from Ms. Ambika Sharma, Senior Assistant, office of the Deputy Commissioner, Fazilka, State counsel submits that no detailed order has been passed rejecting the application and there is an official note dated 29.08.2023 in this regard.

5. I have heard counsel for the parties.

6. Section 15 of the Arms Act, 1959, provides for duration and renewal of license and sub-Section (3) thereof, which is relevant, mandates that:-

“(3) Every licence shall, unless the licensing authority for reasons to be recorded in writing otherwise decides in any case, be renewable for the same period for which the licence was originally granted and shall be so renewable from time to time, and the provisions of sections 13 and 14 shall apply to the renewal of a licence as they apply to the grant thereof.

7. Sub-Section (3) of Section 14, *ibid*, is reproduced hereunder:-

“(3) Where the licensing authority refuses to grant a licence to any person it shall record in writing the reasons for such refusal and furnish to that person on demand a brief statement of the same unless in any case the licensing authority is of the opinion that it will not be in the public interest to furnish such statement.”



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8. A perusal of the above reproduced statutory provisions shows that it is incumbent upon the licensing authority to assign reasons while rejecting an application for renewal of firearms licence. There is no escape from the obligatory condition, however, licensing authority has failed to record any reason.
9. Therefore, a mandate is issued to respondent No.2, to pass a reasoned order on the application submitted by the petitioner within a period of four weeks from the date of communication of this order.
10. Writ petition is disposed.

(SUVIR SEHGAL)
JUDGE

30.09.2024
Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes