



CWP-7217-2024

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

(101)

CWP-7217-2024

DATE OF DECISION:- 07.08.2024

SATNAM SINGH

...PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Jaswinder Singh Rana, Advocate
for the petitioner.

Mr. Aman Bahri, Additional Advocate General, Haryana
for the respondents.

...

SUVIR SEHGAL, J. (Oral)

1. Instant writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondent No.2, to decide the application dated 12.12.2023, Annexure P-1, submitted by the petitioner for grant of firearms license under the Arms Act, 1959 (for short "the Act").

2. Counsel for the petitioner submits that by application, Annexure P-1, petitioner applied for a license under the Act and deposited the requisite fee as well as the documents. He submits that petitioner has undergone training as a Home Guard, as is apparent from the Certificate dated 29.06.2010, Annexure P-

3. He submits that petitioner was also medically examined, and a Certificate of

Fitness dated 11.12.2023, Annexure P-4, has been issued by a practicing

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medical professional under the Arms Rules, 2016 (for short “the Rules”). He submits that petitioner is doing the business of Commission Agent along with his father and normally carries huge amount of cash and is in need of a firearm for his personal security.

3. On the basis of advance copy served upon the State, a short reply has been filed by the Superintendent of Police, Yamuna Nagar – respondent No.3, submitting that the petitioner applied for New Arms License online and after verification of the antecedents and threat perception, a report was sent to the Station House Officer, Police Station, Radaur, on 13.06.2024, to the effect that the case is not recommended for grant of the license. It has further been submitted that on the basis of the report, the District Magistrate, Yamuna Nagar, has rejected the application on 26.06.2024.

4. Upon instructions, State counsel submits that the status of the application has been uploaded on the online portal.

5. On a specific query, State counsel submits that no detailed order has been passed giving reasons for rejection of the application.

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

7. It has repeatedly come to the notice of this Court that after the procedure for filing applications online has been introduced, the status of the application is being uploaded online but detailed reasons for rejection of the application are not being given. This is against the mandate of the Act as well as the Rules framed thereunder. It would be apposite to notice the relevant



“14. Refusal of licences.—(1) Notwithstanding anything in section 13, the licensing authority shall refuse to grant—

(a) a licence under section 3, section 4 or section 5 where such licence is required in respect of any prohibited arms or prohibited ammunition;

(b) a licence in any other case under Chapter II,—

(i) where such licence is required by a person whom the licensing authority has reason to believe—

(1) to be prohibited by this Act or by any other law for the time being in force from acquiring, having in his possession or carrying any arms or ammunition; or

(2) to be of unsound mind; or

(3) to be for any reason unfit for a licence under this Act; or

(ii) where the licensing authority deems it necessary for the security of the public peace or for public safety to refuse to grant such licence.

(2) The licensing authority shall not refuse to grant any licence to any person merely on the ground that such person does not own or possess sufficient property.

(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.” (emphasis added)

8. Rule 13 of the Rules, provides thus:-

“13. Time limit for grant of licence. – *The licensing authority, after considering the application and on being satisfied that the applicant has fulfilled the eligibility conditions, shall grant or refuse to grant a licence for permissible category of arms or ammunition specified in Category III of Schedule I, to any person by recording in writing the reasons for such grant or refusal, by passing a speaking order, within a period of sixty days of the receipt of the police report. Provided that the licensing authority shall specify, the type of arms and ammunition to be produced by the applicant after assessing the reason and the need for possession of the type of arms and ammunition applied for by the applicant, considering its lethality or fire power.*” (emphasis added)

9. A perusal of the above reproduced statutory provision as well as the relevant Rule shows that it is an obligatory requirement that while rejecting an application under the Act, an order has to be passed giving reasons, in writing, for refusal. Interpreting these provisions, this Court in ***Manpreet Singh Versus State of Punjab and others, 2022 (4) R.C.R. (Civil) 475***, has held that it is incumbent upon the licensing authority to assign proper and real reasons.

However, this practice is not being adopted by the licensing authorities.



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10. In view of above, writ petition is disposed of with a direction to respondent No.2, to pass a detailed order assigning reasons for the rejection of petitioner’s application, Annexure P-1, within a period of four weeks, after the receipt of a copy of this order. A copy of the order passed by the competent authority be supplied to the petitioner.

11. A copy of the order be also sent to the Home Secretary, for the States of Punjab, Haryana and Union Territory of Chandigarh, for circulation amongst all the licensing authorities in their jurisdiction.

(SUVIR SEHGAL)
JUDGE

07.08.2024
Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes