



CWP-14822-2024

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

(103)

CWP-14822-2024

Date of decision:- 10.09.2024

Dalbir Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Abhimanyu Batra, Advocate
for the petitioner.

Mr. Aman Bahri, Additional Advocate General, Haryana.

...

SUVIR SEHGAL, J. (Oral)

1. By way of present writ petition filed under Article 226/227 of the Constitution of India, petitioner has approached this Court *inter alia* for issuance of a writ in the nature of mandamus directing the respondents to transfer his father's arms license to his name under the Family Heirloom Policy, issued vide instructions letter No.V-11016/16/2009-Arms, dated 06.04.2010, Annexure P-9, issued by the Ministry of Home Affairs, Government of India.

2. Pursuant to the previous order passed by this Court, State counsel has placed on record a copy of Memo No.3087/PLA, dated 09.09.2024, which is taken on record. Its relevant extract is as under:-



“The instructions in this regard may be considered as follows:

The petitioner had previously filed an appeal before the Additional Chief Secretary, Department of Home, Government of Haryana, on 16.02.2024. However, the competent authority to hear appeals against the decisions of the District Magistrate (respondent no.3) is the Divisional Commissioner, Hisar Division. Therefore, the petitioner’s decision to file the appeal before an authority without jurisdiction was improper. Nonetheless, the Additional Chief Secretary, Department of Home, Government of Haryana, forwarded the petitioner’s appeal to the District Magistrate, Jind (respondent no.3), vide memo no.3/66/2024-1HG-III dated 19.03.2024.

This appeal was filed by the office of respondent no.3 without the necessary approval of the competent authority. An inquiry has been initiated regarding this lapse. Meanwhile, the appeal has now been duly forwarded to the appropriate appellate authority, i.e., the Divisional Commissioner, Hisar Division, under Section 18 of the Arms Act, 1959, for a decision, vide memo no.3080/LPA dated 06.09.2024. The District Magistrate, Jind, will take further action upon receiving the decision on the appeal.

It is pertinent to note that the petitioner filed the current CWP without exhausting the available legal remedy of an appeal before the Divisional Commissioner.

Therefore in view of the above, the Hon’ble Court may be apprised accordingly.”

3. In view of above development, parties are directed to appear before the Divisional Commissioner, Hisar Division, on 23.10.2024, at 10.00 A.M., who shall proceed further in accordance with law, and decide the appeal as expeditiously as possible.

4. Petition is disposed of.

(SUVIR SEHGAL)
JUDGE

10.09.2024
Pardeep

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No