



CWP-27532-2022

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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CWP-27532-2022
Date of decision:05.12.2024

DHARAMBIR SINGH ...PETITIONER

VS.

STATE OF HARYANA AND OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. K.S. Godara, Advocate
for the petitioner.

Mr. Sharad Aggarwal, DAG, Haryana.

SUVIR SEHGAL J. (ORAL)

1. This writ petition has been filed under Articles 226/227 of the Constitution of India *inter alia* for issuance of a writ in the nature of mandamus directing respondent No.2 to issue an arms license to the petitioner.
2. A summary of facts leading to the filing of the petition are that Kashi Ram, petitioner's father possessed an arms license bearing No.121/79 since 1979. As he had crossed the age of 80 years, he intended to get the license transferred in the name of the petitioner, who applied for the license under Rule 25 of the Arms Rules, 2016, alongwith



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an affidavit dated 06.07.2017 executed by his father. Petitioner's father unfortunately passed away on 12.01.2019. Petitioner approached this Court by filing a writ petition (CWP-3679-2019), which was disposed off with a direction to the respondents to process the application as per the provisions of the Arms Act, 1959; but the application was rejected on 19.03.2019, Annexure P-2. Petitioner filed an application for issuance of a fresh license on 12.03.2020, Annexure P-3, which was recommended by the police authorities. Since this application was also rejected, petitioner has approached this Court by filing the instant writ petition.

3. Upon notice, respondents filed a written statement stating that with effect from 01.07.2022, the old procedure of submitting hard copies of the application has been discontinued and an online process has been introduced vide instructions issued on 05.07.2022, Annexure R-1. On this basis, the licensing authority by order dated 18.04.2024, Annexure R-2, rejected the application stating that all the applications, which have been manually filed for various arms services have been cancelled/rejected.

4. Subsequently, the matter came up for hearing before this Court and the following order was passed on 21.08.2024:-

“It does not appeal to logic that all the applications filed manually for various services under the Arms Act, 1959, prior to the introduction of the online portal with effect from 01.07.2022, have been rejected/cancelled by one stroke of pen by virtue of order dated 18.04.2024, Annexure R-2.



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State counsel requests for deferment to get instructions.

List on 16.09.2024. ”

5. State counsel states that the matter has been examined by the Government and instructions dated 26.11.2024 have been issued to the effect that the applications/cases relating to Arms License Services received prior to 01.07.2022 shall be disposed off on merit and shall not merely be rejected/cancelled upon the launch of an online portal. Copy of the instructions submitted by the State counsel are reproduced hereunder:-

“No: 3/335/2021-1HG-III

From

*The Additional Chief Secretary
to Government,*

Haryana, Home Department

To

- 1. All the District Magistrates in Haryana.*
- 2. All the Commissioners of Police in Haryana.*
- 3. All the Deputy Commissioners of Police in Haryana.*
- 4. All the Superintendent of Police in Haryana.*

Dated Chandigarh, the 26.11.2024

Subject: Start of Online Application of several Arms Licenses related service in the State of Haryana w.e.f. 01.07.2022-Cases/applications pending before 01.07.2022-reg.



I am directed to refer to the letter dated 30.06.2022 on the subject noted above and to say that the matter regarding the cases/applications relating to Arms Licenses Services received prior to 01.07.2022 and pending as on 01.07.2022 i.e. the date when the online application portal was made effective, has been considered by the Government and it has been decided that such cases/applications relating to Arms Licenses Services received prior to 01.07.2022 and pending as on 01.07.2022, if any, shall be decided and disposed off on merits and such cases shall not be rejected/cancelled by a single order mentioning that a system of online portal has been launched w.e.f. 01.07.2022.

2. The above instructions be brought to the notice of all the concerned for strict compliance. Any lapse on part of the concerned person shall be viewed seriously and action will be taken against the erring officers/officials in accordance with the Rules.

*Sd/-
Superintendent Home-III,
for Additional Chief Secretary to
Government, Haryana,
Home Department"*

6. Upon instructions, State counsel has further placed on record a copy of memo bearing No.3/335/2021-1HG-III dated 26.11.2024 addressed to the District Magistrate, Sirsa, directing him to re-consider the case of the petitioner.



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7. Noticing that the application has been pending for more than 4½ years, the licensing authority is directed to decide the application, Annexure P-3, within a period of four months from the date of receiving of a copy of this order.
8. Writ petition is disposed off with the above direction.

05.12.2024
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(SUVIR SEHGAL)
JUDGE

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