

CWP-26972-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(102)

CWP-26972-2023

Date of decision:- 07.02.2024

Gurdev Singh

...Petitioner

Versus

Ld. Commissioner, Patiala Division, Patiala, and others...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Sunny K. Singla, Advocate, for the petitioner.

...

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 seeking issuance of a writ in the nature of certiorari for quashing order dated 15.05.2021, Annexure, P-3, passed by respondent No.2, and appellate order dated 03.10.2023, Annexure P-9, passed by respondent No.1.

2. Counsel for the petitioner submits that appeal preferred by the petitioner under the Arms Act, 1959, has been dismissed by the Appellate Authority, vide order, Annexure P-9, as being time barred. He asserts that there is no adjudication of his claim on merits.

3. Notice of motion.

4. On asking of the Court, Mr. Maninderjit Singh Bedi, Additional Advocate General, Punjab, accepts notice on behalf of the respondents.

5. I have heard counsel for the parties and examined the documents

placed on the record with their able assistance.

6. At the outset, order, Annexure P-9, passed by the Appellate Authority, deserves to be noticed, and is reproduced as under:-

“This is an appeal filed under Section 47-A of the Indian Stamp Act, 1899, against the order dated 15.05.2021 passed by Additional District Magistrate, Sangrur vide which the arms license of the appellant has been suspended.

*Learned counsel for the appellant was heard at pre hearing stage. In the present appeal the appellant has challenged the order dated 15.05.2021 passed by Additional District Magistrate, Sangrur vide which the arms license of the appellant has been suspended. The appellant has filed the present appeal after a gap of more than 2 years. After hearing the counsel for the appellant, I don't find any reason to condone the delay of more than 2 years in filing the present appeal. The appellant has failed to explain any cogent reason to condone this delay. Thus, the appeal filed in this case is liable for dismissal and the same is, hereby, **dismissed being time barred.**”*

7. A perusal of the above reproduced order shows that although appeal has been filed under the Arms Act, 1959, but the Appellate Authority has considered it to be an appeal filed under Section 47-A of the Indian Stamp Act, 1899. To say the least, this Court is of the view that the order has been passed in the mechanical manner with a closed mind.

On this ground alone, order Annexure P-9, deserves to be set aside.

8. As this Court is of the view that the Appellate Authority has not applied its mind, while setting aside impugned order, Annexure P-9, matter is remitted back to the Appellate Authority to decide the appeal afresh after affording an opportunity of hearing to the parties and also permitting them to bring on record any additional material, which they intend to rely upon.

9. Petition is disposed of.

10. Parties are directed to appear before the Appellate Authority on 20.03.2024 at 10.00 A.M.

(SUVIR SEHGAL)
JUDGE

07.02.2024
Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No