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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 16493/2023**

AYUSH WADHWA

.....Petitioner

Through: **Mr. Ravi Kant, Advocate.**

versus

UNION OF INDIA & ANR.

.....Respondents

Through: **Mr. Santosh Kumar Tripathi, SC
(Civil) with Mr. Kartik Sharma,
Advocate.**

**Mr. Ramanan, SI, Licensing Unit,
Delhi Police.**

**Mr. Raj Kumar Yadav, SPC with
Ms. Pooja Kumari and Mr. Kautilya
Birat, Advocates.**

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

02.08.2024

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1. The Petitioner is aggrieved by the order dated 7th December, 2022 passed by the Court of Lt. Governor, Delhi, deciding the appeal under Section 18 of the Arms Act, 1959, whereby the Petitioner's request for grant of an arms license has been rejected.
2. The case of the Petitioner is that his father, late. Mr. Gulzari Lal Wadhwa was issued arms license no. ED/GN11/1986/61 for 0.32 bore revolver by the Licensing Authority. Subsequently, on 7th November, 2008 the said license was upgraded to 'all India permit'. After the demise of his father on 16th November, 2017, the Petitioner deposited the weapon with the



gun dealer in the name of M/s Kewal Krishan Sharma and duly intimated the same to Delhi Police. The Petitioner then applied for new arms licence on 9th December, 2019 under application No. ARML2019120075 for the inheritance of the arms license of his father. The said application has been rejected by Joint Commissioner of Police, Licensing, New Delhi. Against the said order, the Petitioner preferred an appeal before the Court of Lt. Governor, Delhi which is also dismissed thorough the order dated 7th December, 2022.

3. Counsel for Petitioner places reliance on the judgment of this Court in *Ravinder Hooda vs. Union of India & Ors.*,¹ and argues that the denial of request for grant of arms license is arbitrary and unreasonable. Further, he places reliance on the guidelines dated 28th February, 1995,² to argue that the Petitioner must be afforded an arms license.

4. This court in *Ravinder Hooda* (Supra) noting that the order of the competent authority rejecting the applicant's request for license did not disclose reasons, directed the Respondent therein to reconsider the Petitioner's application and pass a speaking order. The said decision is not applicable to the facts of the present case.

5. Furthermore, arms license cannot be claimed as matter of right as an arms license is issued on a case to case basis depending on the necessity, justifiable reason and threat perception faced by an individual. The counsel for the Petitioner states that Petitioner would like to retain the arm because it has a sentimental value being his family heirloom.

6. In the opinion of the Court, the license for acquisition and possession

¹ 2018:DHC:1513

² Ministry of Home Affairs letter bearing No. V-11019/23/95-Arms



of a firearm is a privilege which is regulated by the Arms Act, 1959 and the rules framed thereunder. The grant of arms license is decided on a case-to-case basis depending on the merits and facts of the case. This Court in the judgment of *Virendra Prasad v. Additional Commissioner of Police & Anr.*,³ has held as follows:

“24. No doubt – the object of the Act is to ensure that weapons are available to citizens for self defence but that does not mean that every individual should be given a licence to possess an Arm.

25. It is not the mandate of the Act that all citizens are to be granted a licence for holding a weapon. The object of the Act is self-defence. For an individual to be given a licence for holding a weapon for selfdefence, he has to show that there is a necessity for him to protect himself.

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28. The grant of Arms license is a privilege conferred by the Act. There is no fundamental right of an individual to hold an Arm. We are not living in a lawless society where individuals have to acquire or hold Arms to protect themselves.

29. Possession of Arms today has become a status symbol. Individuals seek to possess Arms mostly for the purposes of showing off that they are influential people. Arms are even being used indiscriminately for celebrity firing at marriages etc.”

7. The citizen’s right to hold a firearm license, is a discretion which is conferred with the licensing authority and therefore has to be assessed on the basis of threat perception. For this, in the opinion of the Court, it can only be the police which can do the assessment as no one can claim arms license as a matter of legal right.

8. In the instant case, as noted in the order dated 7th December,2022, it has been categorically observed that the Petitioner has not disclosed any instance of threat to life or property. The police have also not recommended

³ LPA no.11035/2016



the Petitioner's case on the basis of the material placed on record. Thus, in the opinion of the Court, in view of the judgment of this Court in ***Virendra Prasad*** (supra), the Court finds no ground to interfere in the present matter.

9. Dismissed.

SANJEEV NARULA, J

AUGUST 2, 2024

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