



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 5403 OF 2024

Mohd. Khaliloddin Mohd Zainoddin
Age: 58 years, Occu: Agriculture,
R/o. Rahemat Nagar, Nanded
Tq. & Dist. Nanded

.....PETITIONER

VERSUS

1. The State of Maharashtra
Through its Secretary,
Home Department,
Mantralaya, Mumbai-32
2. The Divisional Commissioner,
Chhatrapati Sambhajnagar,
3. The District Magistrate,
Collector Office, Nanded
Dist. Nanded
4. The Superintendent of Police
Nanded Dist. Nanded.
5. The Tahsildar,
Nanded, Tq. & Dist. Nanded
6. The Circle Officer,
Tahsil Office, Nanded

.....RESPONDENTS

Ms. A. N. Gore, Advocate for the Petitioner
Ms. Kalpalata Patil Bharaswadkar, Addl.GP for Respondents-
State

CORAM : ROHIT W. JOSHI, J.

DATED : 01ST JULY, 2025

ORAL JUDGMENT:-

. The petitioner claims to be a news reporter of weekly Polkhhol. The petitioner also claims that he owns agricultural land bearing gut no.614 at village Ardhapur, Tahsil Ardhapur, District Nanded. The petitioner claims that he faced a few law and order situations relating to robbery and other offences on Nanded road while commuting between his residential house from the agricultural land.

2. The petitioner had therefore filed an application for grant of fire Arms License. The application was rejected by the District Magistrate, Nanded vide order dated 15.12.2022. The appeal preferred by the petitioner under the Arms Act also came to be rejected vide order dated 22.12.2023. The application and appeal are rejected on the ground that the petitioner has failed to make out any case of threat to life or property. Authorities have stated that petitioner could not point out any concrete incident of attack to his life or property.

3. Learned Counsel for the petitioner contends that this cannot be a ground for rejecting an application for grant of NPB Revolver/Pistol arms license. She has placed reliance on a judgment dated 29.01.2016 passed by this Court in *Writ Petition No.3786 of 2015, Sardar Gurtejpal Singh s/o Gurnaib Singh Sidhu Vs. The State of Maharashtra and Ors.*, to contend that specific incident or incidents of threat to life or property are not necessary in order to claim Arms License. She contends that the application is rejected on irrelevant grounds and therefore, the impugned order of refusal of Arms License as also the order dismissing her appeal against dismissal are liable to be quashed and set aside.

4. Per contra, learned AGP contends that the Central Government has framed specific guidelines for issuance of Arms License. The learned AGP contends that the case of the petitioner does not fit in the said guidelines and therefore, the application was rightly rejected. According to her, in the absence of any concrete evidence of threat to life or property, no fault can be found with the impugned orders passed by the authority refusing Arms License to the petitioner.

5. Having heard the rival submissions and having perused the judgment in the matter of Sardar Gurtejpal Singh, this Court is of the opinion that the learned Counsel for the petitioner is right in contending that the application for Arms License could not have been rejected merely on the ground that there was no specific incident with respect to safety of the person or property of the petitioner or his family members. The application is rejected on irrelevant considerations. As regards the guidelines, issued by the Central Government, the same must be interpreted and applied harmoniously alongwith statutory mandate. The guidelines cannot have precedence over the Act and the Rules.

6. In view of the aforesaid, in the considered opinion of this Court, the impugned orders are unsustainable and are liable to be quashed. The petition is **partly allowed** in the following terms:

- a. Both the orders dated 15.12.2022 and 22.12.2023 are quashed.
- b. The District Magistrate, Nanded is directed to reconsider the application for grant of arms license filed by the petitioner afresh in accordance

with statutory provisions and judgment in the matter of Sardar Gurtejpal Singh.

7. The Writ Petition is **disposed** of accordingly.

(ROHIT W. JOSHI, J.)

Rushikesh/2025