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43-WP-12328-2023

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

43 WRIT PETITION NO. 12328 OF 2023

Vidyaprasad Ramchandra Nawandikar

VERSUS

The State Of Maharashtra Through Its Secretary And Others

...

Mr. Suresh Gangadharrao Rudrawar, Advocate for the Petitioner.

Mr. P. D. Patil, AGP for Respondent-State.

CORAM : KISHORE C. SANT, J.

DATE : 27<sup>th</sup> JANUARY 2025

PC :-

1. Heard the learned Advocate for the parties.
2. This writ petition is filed challenging the judgment and order dated 30<sup>th</sup> August 2021 passed by the learned Divisional Commissioner, Aurangabad in Appeal No.2021/SAPRA/POL-1/ARM/CR-04.
3. By way of impugned order, the learned Divisional Commissioner rejected the appeal of the petitioner challenging the order dated 11<sup>th</sup> May 2012 passed by the District Magistrate, Latur. The petitioner had applied for arm license in the year 2000. The learned Collector by way of impugned order cancelled the license i.e. license No.L-LTR/35/2000

as till 2011, though there was license granted in the year 2000, the petitioner did not purchase any fire arm. He therefore again applied on 17<sup>th</sup> November 2011 for renewal of license and for extending a period to purchase the fire arm. The learned Collector observed that, for 10 years the petitioner did not purchase the arm. No satisfactory reason was given for not purchasing the fire arm inspite of license for 10 years and rejected the application.

4. The petitioner challenged this order before the learned Divisional Commissioner by filing an appeal on 20<sup>th</sup> January 2021. The learned Divisional Commissioner specifically observed that, the appeal is filed after eight years, seven months, nine days after the limitation period. He also observed on merits that when the petitioner has not purchased the arm for 10 years shows that, he does not require the license. It is also considered that even after rejection of the application, he filed appeal almost after nine years. The only reason assigned before the learned Divisional Commissioner was that, the petitioner now requires the fire arm after 2010. The Divisional Commissioner specifically observed that the petitioner could not produce any MLC report, FIR etc. to show that

there is danger to his life and thus ultimately rejected the appeal. The petitioner even after the said judgment, approached this Court almost after 2 years.

5. The learned Advocate for the petitioner Mr. Rudrawar vehemently argued that, now there is a danger to the life of the petitioner. The petitioner runs a liquor shop. For some period, the liquor license was suspended and he was not running the business of liquor. It is for that reason, there was now danger to his life. He thus prays for allowing the writ petition.

6. Learned AGP opposes the petition. He submits that the conduct of the petitioner itself shows that he does not require such license. He thus prays for rejection of the writ petition.

7. From looking to the dates stated above, it is clear that the petitioner's approach is very casual. The petitioner had applied only for the sake of application without any real apprehension. For 10 years, he did not purchase any weapon. After the order of the Collector, he approached the Commissioner almost after nine years. Even after rejection of the appeal, he approached before this Court after two years.

All these things show that, both the authorities were right in concluding that the petitioner does not require any license.

8. Looking to the reasons stated for delay, this Court is not convinced to allow the petition. Considering above, petition stands dismissed. No order as to costs.

**[KISHORE C. SANT, J.]**