



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

WRIT PETITION NO. 13308 OF 2024

RAMESH SHRIRAM YADNYEKAR JOSHI

VERSUS

THE DIVISIONAL COMMISSIONER AND OTHERS

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Advocate for Petitioner : Mr. Amardeep F. Naiknaware h/f
Mr. Nimbalkar Aniruddha A

AGP for Respondents/State : Mr. A.V. Lavte

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CORAM : MEHROZ K. PATHAN, J.

DATE : 4th OCTOBER 2025

PER COURT :

1. The Petitioner was allotted the gun license vide license no. JLN-674-2013. The Superintendent of Police, Jalna had submitted a report dated 21.03.2022 to the Collector, for cancellation of the license of the Petitioner. Accordingly the Collector, Jalna vide its order dated 26.04.2022 was pleased to cancel the gun license of the Petitioner.

2. The Petitioner being aggrieved by the said rejection, was had filed an appeal before the learned Divisional Commissioner on the ground of violation of principles of natural justice as the Petitioner was not heard before passing of the order dated 26.04.2022. The learned Divisional Commissioner, vide order dated 11.10.2022, was pleased to set aside the order of the Collector and directed that the Petitioner be granted an opportunity of hearing, and

thereafter a fresh order be passed. After granting opportunity of hearing to the Petitioner, the Collector vide order dated 15.02.2023 thus suspended the license. The said order dated 15.02.2023 passed by the Collector afresh, was challenged before the Divisional Commissioner alongwith application for condonation of delay. The learned Divisional Commissioner vide its order dated 05.03.2024 was pleased to reject the application for condonation of delay and thus dismissed the appeal.

3. The Petitioner has challenged the order dated 05.03.2024 passed by the Divisional Commissioner, Aurangabad, rejecting the application for condonation of delay as well as appeal under Section 18 of the Arms Act. The Counsel for the Petitioner Mr. Naiknaware holding for Mr. Nimbalkar submits that sufficient reasons were given in the application for condonation of delay, however the learned Divisional Commissioner has failed to take into consideration the said reasons given which has caused the delay of filing an appeal. It is his submission that the delay is not inordinate and deliberate. Thus the same ought to have been condoned in the interest of justice.

4. It is his further submission that the learned Divisional Commissioner has though dismissed the appeal on the ground of delay, has unnecessarily touched upon the merits of the matter and also dismissed the appeal on merits. It is therefore his submission that the valuable right of the Petitioner is defeated by the non-consideration of the aforesaid facts by the learned Appellate Court.

5. On the other hand, the learned APP Mr. Lavte strongly opposes the Writ Petition. On behalf of all the Respondents, he has also filed a reply affidavit, thereby supporting the order passed by the learned Divisional Commissioner which upheld the order of Collector, revoking license issued earlier in the name of Petitioner. He vehemently submits that apart from the Petitioner not being eligible for holding of an arm license, the Petitioner was involved in various criminal offences registered against him over the period, which demonstrate his criminal tendency and indicate that he poses a threat to the maintenance of public order, peace, and tranquility.

. Learned APP further submits that even after the order passed by the learned Divisional Commissioner dated 05.03.2024, the Petitioner had again indulged into several offences which are mentioned in the chart submitted in the affidavit dated 02.09.2025 filed on behalf of the Assistant Police Inspector Maujpuri Police Station, Jalna. He further submits that the Petitioner has engaged himself into the illegal sand excavation and there is every likelihood that if the arms license is renewed, the same may be used for continuation of such illegal activities by the Petitioner which would aid to establish his supremacy, resulting in disturbance of public order.

6. I have gone through the impugned order passed by the learned Divisional Commissioner and the grounds raised by the Petitioner in his appeal filed before the learned Divisional Commissioner alongwith the condonation of delay application and

also the affidavit filed by the Respondents herein.

7. The argument of the learned Counsel Mr. Amardeep Naiknaware for the Petitioner is that the learned Divisional Commissioner has in fact did not deal with the application for condonation of application, neither referred to the grounds mentioned in the application for delay and has ventured into the merits of the appeal. According to the Counsel for the Petitioner, the learned trial Court could not have done so particularly in view of the judgment of the Hon'ble Supreme Court reported in (2009) 3 SCC 525 in the matter of **Commissioner, Nagar Parishad, Bhilwara Vs. Labour Court, Bhilwara and Another**. It is further submitted by the learned Counsel for the Petitioner that the criminal antecedents of the petitioner have been wrongly discussed by the learned Divisional Commissioner, which reflects that he was influenced by the same while deciding the application for condonation of delay.

8. The perusal of the impugned order shows that the learned Divisional Commissioner had only considered the submissions of the learned Counsel for the Petitioner, application for condonation of delay and the submissions of the Respondents herein. The criminal antecedents reflected in the impugned order, were only the part of the submissions made by the Respondents herein and does not show that the same was considered by the learned Divisional Commissioner while passing the operative part. The learned Divisional Commissioner has found that the Petitioner has

failed to provide any sufficient reasons to condone the delay of 288 days. The learned Divisional Commissioner has further found that as the Petitioner has failed to explain the delay by substantiating the same through documentary evidence, the condonation of delay application of the Petitioner is dismissed.

9. The perusal of the order passed by the learned Divisional Commissioner would show that the learned Divisional Commissioner had dismissed the appeal on delay as the same was not found within limitation. The contention of the Petitioner that the learned Divisional Commissioner has even discussed the matter on merits, is wholly misconceived as the Counsel for the Petitioner has misunderstood the recording of the contentions of the Respondents to be findings of the learned Divisional Commissioner. The findings are restricted only to the insufficient reasons for condoning the delay and the dismissal of the same on the ground of inability to explain the delay caused in filing the appeal under Section 18 of the Arms Act.

10. It is seen from the record that even now the Petitioner has failed to give sufficient reasons to substantiate the reasons for which there was a delay caused in filing the appeal. Neither before the learned Divisional Commissioner, nor before this Court the Petitioner has provided any documentary evidence to prove his inability to file an appeal within limitation, before the learned Divisional Commissioner. In my view therefore there is no error in the

impugned order passed by the learned Divisional Commissioner. The learned Divisional Commissioner has taken into consideration all aspects of the matter and after application of mind, has passed the impugned order. The impugned order is therefore just, proper and is hereby maintained. The petition is devoid of substance on merits and is hereby dismissed.

MEHROZ K. PATHAN
JUDGE

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