



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR**

**WRIT PETITION NO. 157 OF 2024**  
**WITH**  
**WRIT PETITION NO. 7483 OF 2023**

**WRIT PETITION NO. 157 OF 2024**

Sau. Nilmani W/o. Vijay Hivrare,  
Aged about 62 years, Occ. Retired,  
Head Mistress, R/o. Prakash  
Colony, Hingna road, Akola, Tq.  
And Dist. Akola

**....PETITIONER**

**....VERSUS....**

- 1] The Divisional Commissioner,  
Amravati Division, Amravati, Tah.  
& Distt. Amravati
- 2] The State of Maharashtra through  
Collector/District Magistrate,  
Collector Office, Akola, District  
Akola.

**....RESPONDENTS**

**WITH**

**WRIT PETITION NO. 7483 OF 2023**

Vijay Virsen Hivrare,  
Aged about 65 years, President of  
the Education Society,  
R/o. Prakash Colony, Hingna road,  
Akola, Tq. And Dist. Akola.

**....PETITIONER**

**....VERSUS....**

- 1] The Divisional Commissioner,  
Amravati Division, Amravati, Tah.  
& Distt. Amravati
- 2] The State of Maharashtra through  
Collector/District Magistrate,  
Collector Office, Akola, District  
Akola.

....**RESPONDENTS**

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Shri S.D.Chande, Advocate for petitioner in both petitions.  
Shri H.R.Dubey, AGP for respondents/State in both petitions.

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**CORAM** : **SMT. M.S. JAWALKAR, J.**

**DATE** : **01/04/2025**

**JUDGMENT**

Heard finally by the consent of learned counsel  
appearing for the parties.

2. Petitioner is challenging the order dated  
10/06/2022, passed by the respondent No.2,  
Collector/District Magistrate, Akola, in ACC-2/Home/MS-  
2/KV-395/2022 and in ACC-2/Home/MS-2/KV-369/2022  
and also challenging the order dated 27/07/2023, passed by  
the respondent No.1, Divisional Commissioner, Amravati  
Division, Amravati, in Appeal Nos. 132/2022 and 131/2022,  
Akola.

3. Writ Petition No. 157/ 2024 is filed by Nilmani Vijay Hivrane and Writ Petition No. 7483/2023 is filed by Vijay Virsen Hivrane. As the facts and contentions are same the Writ Petition No. 157/2024 is taken as lead petition.

4. The order of District Magistrate on the application of renewal of licence of weapon is under challenge. When petitioner applied for renewal of licence, petitioner was asked to remain present on 07/01/2021. She has also deposited amount of fee of Rs.2500/-, for renewal of licence from 01/01/2021 to 31/12/2025. Thereafter, without granting any hearing, petitioner's application came to be rejected for the reason that offence is registered under Sections 468, 471 and 420 read with Section 34 of the Indian Penal Code, in Crime No. 450/2018, by Police Station Khadan, Akola. On the basis of that the District Magistrate has passed the impugned order and rejected application for renewal and directed to deposit the licence with the arm (rifle). Accordingly, both the rifles are deposited in Khadan Police Station, Akola. The petitioner preferred an appeal before the Divisional Commissioner,

Amravati. Respondent No.1, challenging the said order bearing Arms Appeal No. 132/2022, Akola. Without appreciating the factual aspects of the matter and without considering the submissions made by the petitioner, the respondent No.1, Divisional Commissioner, passed the impugned order confirming the order dated 10/06/2022.

5. The learned Assistant Government Pleader submitted that there was offence registered against the Petitioner. Moreover, petitioner has also suppressed this fact of registering offence against her, also in order of the District Magistrate he has apprehension that considering the report of District Police Superintendent, Akola, if the arm licence is renewed in future, they may misused the arm which may affect public peace and safety.

6. Learned Counsel for the petitioner placed on record pursis along with the form A-3, which is meant for renewal of arms licences. He has pointed out that there is no column to inform to the authority whether there was offence registered against the applicant. The only relevant column

which is there is 13-A, which speaks about conviction. Thus, in absence of any column, the department cannot blame the petitioner that he has not supplied information about offence registered. He has also further submitted that registering offence itself cannot be the ground to reject renewal of licence. It is his submission that since 1996, there is no incidence of any misuse or use of that weapon. Even the offence which is registered have no connection with the arm which petitioner was holding. The said offence is in respect of strength of students shown on the school record and it is alleged that there is some fraud in the record. Only mentioning that there is possibility of disturbance of public peace and safety is not sufficient. There has to be some basis to arrive at such conclusion.

7. The learned Counsel for petitioner relied on judgment of this Court in *Ajay Jaywant Bhosale Vs. Commissioner of Police, Pune and others*, 2013(6) ABR 1005, wherein, this Court in paragraph No. 13 observed as under :

*“13. Nothing was placed before us by the respondents*

*to indicate that the petitioner had misused the licenced weapon at any point of time in past. The order of revocation of license refers to two criminal cases registered against the petitioner. In the facts we find that mere registration of criminal case/cases could not be a ground to revoke the license. The order shall indicate clearly that continuance of licence would be against public peace, safety and security."*

8. Even in my considered opinion, the Divisional Commissioner in appeal also has not considered this aspect properly. There is no material on record in support of such apprehension affecting public peace, safety. Considering the form for renewal, it is clear that applicant is required to furnish details if there is conviction. As such, there is no suppression of any fact. Thus, both the orders passed by District Magistrate as well as Divisional Commissioner, are liable to be set aside. Accordingly, I proceed to pass the following order :

### **ORDER**

- i) Writ petitions are allowed.
- ii) The order dated 10/06/2022, in ACC-2/Home/MS-2/

KV-395/2022, and ACC-2/Home/MS-2/KV-369/2022, passed by the District Magistrate, Akola, for renewal of licence, is hereby quashed and set aside.

iii) The order dated 27/07/2023 in Appeal No. 132/2022 and 131/2022, passed by Divisional Commissioner, Amravati, is also hereby quashed and set aside.

iv) The District Magistrate, is hereby further directed to renew the licence as prayed for by the petitioners, subject to the necessary conditions, which the District Magistrate deems fit.

v) The licence may be renewed as per Section 15 of the Arms Act, within a period of 30 days.

**(Smt. M.S.Jawalkar, J.)**

*Jayashree..*