



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

101

CWP-2813-2024(O&M)
Date of Decision: 19.02.2025

HARDEEP SINGH

.....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MS. JUSTICE LAPITA BANERJI

Present:- Mr. Paras Talwar, Advocate, with
Mr. Sidharth Sehgal, Advocate,
for the petitioner.

Mr. Aditya Sharda, D.A.G. Punjab.

LAPITA BANERJI, J.(Oral)

1. In this writ petition, the petitioner has prayed for writ of mandamus directing the respondent No.3 – Additional District Magistrate, Khanna to renew the arms license of the petitioner. The petitioner was initially granted arms license on December 9, 2009 (Annexure P-1). The petitioner's license was renewed on April 15, 2011 for a period of 3 years i.e. till March 28, 2014.

2. Learned counsel appearing for the petitioner submits that on June 12, 2012, the petitioner was implicated in FIR No.61 of 2012, for an offence punishable under Section 302 of the IPC registered at Police Station Doraha, Ludhiana. On October 3, 2015, the petitioner was convicted for the same and an appeal preferred therefrom has been admitted and pending adjudication. On April 10, 2023 the petitioner

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applied for renewal of arms license but the same was declined. The petitioner had no information of such rejection and upon filing an application under the Right to Information Act, 2005 on December 20, 2023, the petitioner learnt that the application has been rejected. Learned counsel appearing on behalf of the petitioner submits that without following the provisions of the Arms Act, the authorities rejected his application.

3. Before the Co-ordinate Bench, the learned State Counsel prayed for leave to provide the order rejecting the renewal of the arms license of the petitioner. A short reply has been filed on behalf of the State-respondents. Upon perusal of the said reply it appears that the respondent No.3 rejected the petitioner's application only on the E-Sewa portal and no separate order giving reasons was passed by the respondent No.3.

4. This Court has considered the submissions made on behalf of the parties and provisions of Section 15 of the Arms Act, 1959 (for short 'the 1959 Act'). The said section is reproduced hereinafter for ready reference:-

15. Duration and renewal of licence.

(1) A licence under section 3 shall, unless revoked earlier, continue in force for a [period of five years] [Substituted 'period of three years' by Act No. 48 of 2019, dated 13.12.2019.] from the date on which it is granted:

Provided that such a licence may be granted for a shorter period if the person by whom the licence is required so desires or if the licensing authority for reasons to be recorded in

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writing considers in any case that the licence should be granted for a shorter period.

[Provided further that the licence granted under section 3 shall be subject to the conditions specified in sub-clauses (ii) and (iii) of clause (a) of sub-section (1) of section 9 and the licensee shall produce the licence along with the firearm or ammunition and connected document before the licensing authority after every five years from the date on which it is granted or renewed.] [Inserted by Act No. 48 of 2019, dated 13.12.2019.]

(2) A licence under any other provision of Chapter II shall, unless revoked earlier, continue in force for such period from the date on which it is granted as the licensing authority may in each case determine.

(3) Every licence shall, unless the licensing authority for reasons to be recorded in writing otherwise decides in any case, be renewable for the same period for which the licence was originally granted and shall be so renewable from time to time, and the provisions of sections 13 and 14 shall apply to the renewal of a licence as they apply to the grant thereof.

5. From the perusal of Section 15(3) it appears that unless the Licensing Authorities for reasons to be recorded in writing otherwise decide a case against the holder, every license **shall** be renewable from time to time for the same period for which the license was originally granted.

6. Admittedly, there is procedural lapse on the part of the authorities concerned in not recording the reasons in writing for rejection of the prayer for renewal of the arms license of the petitioner.

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Therefore, the rejection order dated June 1, 2023 is set aside and the competent authority is directed to consider the case for renewal of the petitioner’s license within a period of 3 months from the date of this order after providing an opportunity of hearing to the petitioner.

7. With the aforesaid directions, present writ petition being **CWP-2813-2024** is **disposed of**.

8. Connected application(s), if any, are accordingly disposed of.

19.02.2025

Jyoti Thakur

(LAPITA BANERJI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No