



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

**CWP-28209-2024 (O&M)
Date of Decision:12.11.2025**

Buta Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. S.S.Salar, Advocate for the petitioner.

Ms. Shruti, Addl. A.G. Punjab

JASGURPREET SINGH PURI J.(Oral)

1. The present writ petition has been filed under Articles 226/227 of Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the order dated 21.04.2023 (Annexure P-6) passed by learned District Magistrate, Sangrur, whereby the Firearms Licence of the petitioner was cancelled and order dated 20.03.2024 (Annexure P-7) passed by learned Divisional Commissioner, Patiala Division, Patiala, whereby the appeal filed by the petitioner was dismissed.

2. Learned counsel for the petitioner submitted that the petitioner was holding a valid arms licence for three arms/weapons. Thereafter the Government of India issued a notification dated 13.12.2019 and as per the aforesaid notification the Arms (Amendment) Act, 2019 was amended and it was so provided that a person cannot hold more than two fire arms. It

was further stipulated that any person possessing more than two firearms



shall deposit the excess firearms within a period of 90 days. He submitted that, as per the impugned order passed by the District Magistrate, Sangrur, it is clear that the aforesaid amendment dated 13.12.2019 was published in the newspapers on 28.02.2020 and the stipulated period of 90 days was to expire on 12.03.2020 and only a few days were left for the expiry of the aforesaid period. He further submitted that be that as it may, the petitioner is an illiterate person residing in the fields and is in requirement of the arms for his safety. He further submitted that after issuance of the aforesaid notification, a notice was served upon the petitioner and when he came to know about the same, he voluntarily deposited all three of his firearms even before the date fixed for appearance in response to the show cause notice and in this way, the petitioner had deposited all his firearms on 13.10.2021. He also submitted that, be that as it may, although the petitioner had deposited the firearms after the expiry of 90 days, at the most, learned District Magistrate ought to have considered cancellation of licence only for those firearms which were in excess of two and not with respect to all the three firearms, unless it was shown that there was some apprehension on the part of District Magistrate or the police that the petitioner was misusing the weapons/arms, or that any of the conditions contained in Section 17 of the Arms Act for cancellation of the licence were satisfied. However, learned District Magistrate, merely on the basis of the aforesaid reason, cancelled the licence for all the three firearms, which has caused prejudice to the petitioner.

3. He also submitted that as per the operative part of the order passed by learned District Magistrate, Sangrur, licence for all the firearms



of the petitioner has been cancelled under Section 17(3)(a) and (d) of the Arms Act, 1959, whereas the same could not have been done by learned District Magistrate because none of the aforesaid provisions of Section 17(3) are attracted in the present case. He submitted that Clause (a) would apply only when the licensing authority is satisfied that the holder of the licence is prohibited by this Act from acquiring, having in his possession, or carrying any arms, or is for any reason unfit for a licence. Whereas, so far as two firearms are concerned, the petitioner was not prohibited by any provision of law from retaining the same; it was only with regard to one extra firearm that learned District Magistrate could have ordered cancellation of licence. Moreover, no reason has been assigned by learned District Magistrate to hold that the petitioner was unfit for holding the licence, and therefore, the parameters and ingredients of Clause (a) of Sub-section (3) of Section 17 of the Arms Act, 1959 were not fulfilled. He also submitted that, so far as Clause (d) of Sub-section (3) of Section 17 is concerned, it provides that a licence can be cancelled if any of the conditions of the licence have been contravened. However, there is nothing in the impugned order to show that any of the conditions of the licence have been violated. Therefore, the ingredients of both the aforesaid clauses were not fulfilled. He further submitted that his prayer is only to the limited extent that, with regard to the remaining two arms licences to which he was legally entitled and in respect of which there was no violation of any law by the petitioner, the same could not have been cancelled and deserve to be restored to him. He further submitted that the learned Appellate Authority, namely the Divisional Commissioner, Patiala Division, Patiala, has also



merely affirmed the aforesaid decision of learned District Magistrate and therefore, the said order is also liable to be set aside.

4. On the other hand, learned State counsel submitted that since the petitioner had apparently violated the notification issued by the Government on 13.12.2019 by admittedly retaining the third firearm in excess of two firearms even after the expiry of 90 days from the date of issuance of the notification, and as a publication was also made in this regard, the petitioner was not entitled to retain the said arms.

5. I have heard the learned counsels for the parties.

6. There is no dispute with regard to the fact that an amendment was effected on 13.12.2019, which has been reproduced in the order passed by learned District Magistrate, whereby possession of more than two firearms was not permitted. Admittedly, the petitioner was holding three firearms, but he did not deposit the same within the period stipulated in the aforesaid notification. It is the case of learned counsel for the petitioner that the petitioner is an illiterate person residing in the fields and he was neither issued any notice earlier nor was he aware of the publication made in the newspaper on 28.02.2020. Another argument raised by learned counsel for the petitioner is that the parameters of Clauses (a) and (d) of Sub-section (3) of Section 17 of the Arms Act, 1959, under which all the three arms licences have been cancelled, are not satisfied.

7. After perusing the order passed by learned District Magistrate and the provisions of law under which the arms licences of the petitioner have been cancelled, this Court is of the considered view that *prima facie*, learned District Magistrate has not considered the ingredients of Clauses



(a) and (d) of Sub-section (3) of Section 17 of the Arms Act, 1959, and it is only on the basis of the non-deposit of the third weapon by the petitioner within time that all the arms licences have been cancelled. A bare perusal of Clause (a) would show that the licensing authority can cancel the licences if it is satisfied that the holder of the licence is prohibited by the Act or by any other law for the time being in force whereas there is nothing in the order to suggest that with regard to the remaining fire arms for which the petitioner was holding a valid licence as to whether he was holding the same without the authority of law or not. So far as the second reason provided in Clause (a) is concerned, namely that the holder of the licence is of unsound mind, there is also nothing mentioned in the impugned order in this regard. The third parameter under Clause (a) is that, if the licensing authority is satisfied that for any reason the licensee is unfit for a licence, it may cancel the same; however, no such reason has been assigned by the learned District Magistrate, Sangrur as to whether the petitioner was unfit for holding the remaining two arms licences or not. So far as Clause (d) is concerned, it only provides that if any of the conditions of the licence has been contravened, the licence may be cancelled; however, no reason has been assigned by learned District Magistrate, Sangrur as to which specific condition of the licence was contravened.

8. In view of the aforesaid facts and circumstances, this Court is of the considered view that the present petition deserves to be allowed and the impugned orders are liable to be set aside.

9. Consequently, the present writ petition is hereby allowed and orders dated 21.04.2023 passed by the learned District Magistrate, Sangrur



(Licensing Authority) and dated 20.03.2024 passed by the learned Divisional Commissioner, Patiala Division, Patiala (Appellate Authority) are hereby set aside and the matter is remitted to learned District Magistrate, Sangrur, to have a fresh look into the grievances of the petitioner regarding restoration of his arms licence pertaining to two weapons and to pass a fresh order in accordance with law.

10. The fresh order shall be passed within a period of four months from today, with a fresh application of mind and uninfluenced by the orders dated 21.04.2023 passed by learned District Magistrate, Sangrur; 20.03.2024 passed by learned Divisional Commissioner, Patiala Division, Patiala and the present order passed by this Court.

11. Needless to say, a speaking order shall be passed in accordance with law and after giving adequate opportunity of hearing to petitioner and also after giving due regard to the statutory provisions of the Arms Act, 1959.

(JASGURPREET SINGH PURI)
JUDGE

12.11.2025
shweta

Whether speaking:	Yes/No
Whether Reportable:	Yes/No