



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

18 WRIT PETITION NO. 1201 OF 2026

SANDIP VASANTRAO KHARAT

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mrs. Avantika Kharade, Advocate h/f Mr. R.R. Karpe, Advocate for petitioner

Mrs. R.P. Gour, AGP for respondent Nos.1 to 4

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CORAM : SMT. VIBHA KANKANWADI &
HITEN S. VENEGAVKAR, JJ.

DATE : 09th MARCH, 2026

ORDER : (PER : SMT. VIBHA KANKANWADI, J.)

. Present petition has been filed for declaration that petitioner is entitled to grant the arms licence in view of order passed by learned Divisional Commissioner, Nashik on 23.12.2021 in arms Licence Appeal No.15/2021. The petitioner has also prayed that his representation dated 07.07.2025 be directed to be decided by respondent No.3 in a time bound manner.

2 Heard learned Advocate Mrs. Avantika Kharade holding for learned Advocate Mr. R.R. Karpe for petitioner and learned AGP Mrs. R.P. Gour for respondent Nos.1 to 4.

3 The petitioner submits that he had applied for grant of arms licence before respondent No.3. Respondent No.3 had rejected the application by order dated 21.12.2019. Thereafter, petitioner had preferred an appeal under Section 18 of the Arms Act, 1959 before respondent No.2. Respondent No.2 allowed the said appeal on 23.12.2021 and directed respondent No.3 to issue a licence to petitioner. However, since then no action has been taken, though many times it was informed by petitioner that respondent No.3 is duty bound to implement the order passed by respondent No.2. Petitioner also contends that a person by name D.M. Tribhuvan has made complaint against petitioner on 12.04.2025 before respondent No.3. That application was for not to grant a licence to petitioner. Respondent No.3 has unnecessarily started making inquiry and directed police machinery to give the report. There is no reason for respondent No.3 not to implement the order passed by respondent No.2.

4 The facts are crystal clear and supported by documents. Respondent No.3 had rejected the application for grant of arms licence on

21.12.2019 and the said order was challenged before respondent No.2 by filing Licence Appeal No.15/2021. That appeal has been allowed on 23.12.2021 and in specific words respondent No.3 was directed to issue the licence as per the rules. In fact, immediate implementation of said order ought to have been done by respondent No.3. Now, on the basis of a third person's complaint it appears that inquiry has been ordered.

5 Learned AGP submits that since the word 'नियमानुसार' has been used while disposing of the appeal, respondent No.3 has given instructions to learned AGP to make a statement that as per the rules the inquiry is made. We do not agree with the submission. In fact, the inquiry was already made when the application was before respondent No.3. He had rejected the application, but in appeal the appellate authority has allowed the same. The orders passed by superiors are in fact binding on respondent No.3. There was no necessity for respondent No.3 to make inquiry once again. The subsequent complaint application cannot be entered into and even if it is to be entertained, it would be a subsequent event apart from implementation of the order passed by respondent No.2. Under such circumstance, case is made out for interference.

6 We direct respondent No.3 – The Collector, Ahilyanagar to

implement the order passed by his superior i.e. respondent No.2 – The Divisional Commissioner, Nashik on 23.12.2021.

7 Necessary orders be passed within a period of four weeks from today.

8 Accordingly, writ petition stands **disposed of**.

(HITEN S. VENEGAVKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

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