



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 15216 OF 2025

MANIK HARICHANDRA PHAD

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

...

Mr. Sidhesh V. Jadhwar, Advocate for the Petitioner.

Mr. K. N. Lokhande, AGP for Respondents-State.

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : 13th JANUARY, 2026.

P.C.:-

1. The petitioner impugns order dated 06.01.2025 passed by District Magistrate, Beed, thereby cancelling/revoking Arms License No.2024/BR/2008 issued in favour of petitioner.

2. Mr. Sidhesh Jadhavar, learned Advocate appearing for petitioner submits that petitioner has been granted arms license on 20.06.2024. However, by impugned order same has been cancelled/revoked in exercise of powers conferred under Section 17 of Indian Arms Act, 1959. He further submits that petitioner was not given notice or opportunity of hearing before passing impugned order. As such, order is contrary to principles of natural justice and procedure contemplated under law. In support of his contentions he relies upon observations of this Court in case of *Sachin Bhagwatrao Sanap Vs. The State of Maharashtra and Others* decided on 12.06.2025 in *Writ Petition No.2658/2025*.

3. Per contra, learned AGP relying upon affidavit-in-reply filed by Mr. Riyaj Shaikhlal Shaikh, Police Sub-Inspector, Parali (Rural) submits that petitioner has breached conditions of fire arm license. There are four crimes registered against him. Considering criminal antecedents, report was submitted to District Collector by police authorities. Eventually, impugned order is passed.

4. Having considered submissions advanced by learned Advocates appearing for respective parties, it can be observed that Section 17 of Indian Arms Act provides for revocation of license. Apparently, there is nothing on record to show that petitioner was served with show cause notice or opportunity of hearing was given to him. Sub-cause (3) of Section 17 provides that Licensing Authority may revoke license for reasons as enumerated in Clause Nos.3(a) to 3(e). Section 17(3)(d) suggests that in case license holder breached or contravened conditions of license, Licensing Authority may revoke the same.

5. Perusal of impugned order shows that revocation of license is attributed to breach of Rule 53 of Arms Rules, 2016. Rule 53 deals with "Application for a license in Form VII". The order nowhere states as to how petitioner is guilty of breach of Rule 53 of Arms Rules, 2016. It appears that, District Collector has merely relied upon report made by Police Station Parali. However, petitioner

was never heard in respect of averments made in police report or he was not served with copy of such police report.

6. In that view of matter, order impugned is in gross violation of principles of natural justice and cannot be sustained in law. Hence following order:

ORDER

- a. Writ Petition is allowed in terms of prayer Clause (B).
- b. Needless to mention here that if respondents have valid reason to invoke provisions under Section 17 of Indian Arms Act, 1959, they are at liberty to do so by following due process of law.

(S. G. CHAPALGAONKAR)
JUDGE