



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

CRIMINAL WRIT PETITION No.165/2026

Shri Chandan Dilipji Trivedi, : **PETITIONER**
Aged about 53 years,
Occ. Pvt. Business,
R/o Rajendra Nagar, Yavatmal,
Tq. & Dist. Yavatmal

VS.

1. The Divisional Commissioner, : **RESPONDENTS**
Divisional Commissioner Office,
Amravati, Tq. & Dist. Amravati
2. The District Collector / District
Magistrate, District Collector Officer,
Yavatmal, Tq. & Dist. Yavatmal
3. The Superintendent of Police,
Police Superintendent Office,
Yavatmal, Tq. & Dist. Yavatmal

Mr. D.M. Totey, Advocate for the petitioner

Mr. Nikhil Joshi, APP for Respondents

**CORAM: URMILA JOSHI PHALKE AND
NIVEDITA P. MEHTA, JJ.**

DATED : 29.04.2026

ORAL JUDGMENT (PER : URMILA JOSHI PHALKE, J.)

1. Rule. Rule made returnable forthwith. Heard finally with the consent of learned counsel for the parties.

2. By this petition, the petitioner is seeking directions to the Divisional Commissioner to decide his appeal No. 04/Arms Act, 1959/Yavatmal/2024-25.

3. The petitioner has pleaded that he is doing private business. The respondent No.2 considering the requirement and necessity of the petitioner pleaded to issue arms license to the petitioner vide Arm License No. 19/III/2011 in the year 2011. Since then, the petitioner is in possession of Revolver as per Arms License and abiding all the requisite conditions as laid down by licensing authority. The petitioner's arms license tenure was expired in the year 2015-16 and thereafter the petitioner applied for renewal of Arm License before respondent No.2. On receipt of renewal application from the petitioner, the office of respondent No.2 sought report from the office of respondent No.3. The respondent No.3 in its report categorically mentioned that three offences were registered against the petitioner vide (1) Crime No. 3139/2003 under Sections 4 and 5 of the Mumbai Gambling Act; (2) Crime No. 6/2014 under Sections 307, 147 and 148 of the Indian Penal Code and (3) Crime No. 241/2014, under Sections 307 and 120(B) of the Indian Penal Code. The respondent No.2 considering the report received from the respondent No.3 rejected the application for renewal of the arms license of the petitioner on 30.06.2016. The petitioner challenged the abovesaid order passed by the respondent No.2 before the respondent No.1 under Section 18 of the Arms Act, 1959 on 19.07.2016.

The respondent No.1 vide deciding the appeal preferred by the petitioner passed order on 02.03.2017, thereby partially allowed the appeal and remanded back to the respondent No.2 for conducting fresh enquiry and passing fresh order within 60 days. The respondent No.1 in its order dated 02.03.2017 recorded observation that there were three crimes registered against the petitioner and out of three crimes, one was pending in Court i.e. under adjudication process and one was under investigation and in another crime investigation was completed and charge-sheet came to be filed. The respondent No.1 further observed that there were contradictions in police report and facts submitted by the petitioner along with the certified copy of the Court order and affidavit by police before the Hon'ble High Court in Writ Petition No. 743/2015. It is further pleaded that after remand order of respondent No.1 passed the second order in the renewal application of the petitioner on 04.08.2017 thereby maintained the order passed on 30.06.2016.

4. The petitioner being aggrieved by the further order passed by respondent No.1 on 04.08.2017, preferred another appeal before respondent No.1 wherein the respondent No.1 pleased to allow the appeal of the petitioner and quashed and set aside the order passed by respondent No. 2 on 04.08.2017 and directed to initiate process to renew the Arms License of the petitioner within 30 days as per the prescribed rules on 08.12.2017. The respondent No.2 in pursuance to order passed by respondent No.1 passed fresh order on 21.02.2018 in Arms License renewal application of the petitioner on 21.02.2018 and again rejected the

application of the petitioner. The petitioner being aggrieved by the rejection order passed by respondent No.2 on 21.02.2018 preferred Criminal Writ Petition No. 773/2017. In this Writ Petition, the Hon'ble High Court was pleased to direct the respondent No.2 that during pendency of the present petition, the Divisional Commissioner vide order dated 08.12.2017 vide reasoned order directed the Collector to initiate process of renewal of license within 30 days from the date of receipt of the order. The Collector, however, vide order dated 21.02.2018 has again rejected the application of the petitioner. When an appellate authority has set aside the earlier order passed by the subordinate authority, the conduct of the subordinate authority in ignoring the appellate authority and passing an order contrary to the directions of the superior authority is nothing else but an insubordination. Therefore, notice was issued to the Collector, Yavatmal returnable on 18.04.2018 calling upon him show cause as to why action should not be taken against him for acting contrary to the orders passed by the Divisional Commissioner.

5. The respondent No.2 after passing of the order by this Court, passed fresh order on 05.04.2018, thereby renewed the arm license of the petitioner for 3 years. The renewed arm license of the petitioner by order dated 05.04.2018 expired on 21.12.2023. The petitioner after expiry of arm license applied for renewal of arm license before respondent No.2. On receipt of renewal application for the petitioner, the respondent No.2 issued notice on 12.01.2024 and thereby directed to appear on 19.01.2024. On

19.01.2024, the petitioner appeared before the respondent No.2 and on that day, the respondent No.3 submitted its report before respondent No.2.

6. It is submitted by the learned counsel for the petitioner that on every occasions the respondent authorities constrained the petitioner to run from pillar to post and not considered the application. Now also, his application was rejected by the respondent No.2 and therefore, he preferred an appeal before the Divisional Commissioner. The Divisional Commissioner neither passing any interim order nor deciding the appeal and, therefore, the Divisional Commissioner, Amravati be directed to decide his appeal.

7. The learned APP submitted that said directions can be given by this Court and appeal can be disposed of at the earliest.

8. Considering the submissions made by the learned APP and considering the history that the license was already renewed on two occasions, the Divisional Commissioner, Amravati shall consider this issue as well as considering the merits of the application decide the appeal within two months. With this, the writ petition is disposed of.

Rule accordingly.

(NIVEDITA P. MEHTA,J.)

(URMILA JOSHI PHALKE, J.)