



CWP-10497-2022 (O&M) 1

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

**CWP-10497-2022(O&M)
Date of Decision:16.02.2026**

John Peter

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. B.D. Sharma, Advocate for the petitioner.

Ms. Shruti, AAG, Punjab.

JASGURPREET SINGH PURI J.(Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the orders dated 04.09.2018 (Annexure P-4) passed by the learned Additional District Magistrate, Jalandhar and also the order dated 12.02.2020 (Annexure P-5) passed by the learned Commissioner, Jalandhar Division, Jalandhar.

2. Learned counsel for the petitioner submitted that the petitioner had applied for grant of licence under the heirloom policy as a legal heir. He submitted that the learned Additional District Magistrate, Jalandhar, vide impugned order dated 04.09.2018 (Annexure P-4), dismissed the application of the petitioner while referring to Clause ii of the policy dated 31.03.2010 (Annexure P-6), whereas the petitioner had applied for licence under the family heirloom policy being the legal heir of his father, who was



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already holding an existing licence, which was required to be transferred under the aforesaid policy. He submitted that, in this manner, the learned Additional District Magistrate, Jalandhar, did not consider the case of the petitioner under the family heirloom policy but instead considered it under the normal policy i.e. Clause ii, whereas it ought to have been considered under Clause iii. Therefore, the order passed by the learned Additional District Magistrate, Jalandhar, was perverse and not in accordance with law.

3. He also submitted that, even otherwise, the aforesaid policy is of the year 2010, whereas after the amendment to the Arms Rules in the year 2016, a specific provision has been incorporated with regard to issuance of licence to legal heirs, namely Rule 25. He submitted that the case of the petitioner was required to be considered under Rule 25 of the Arms Rules, 2016 which has not been referred by the learned Additional District Magistrate, Jalandhar.

4. He also submitted that when the petitioner filed an appeal before the learned Appellate Authority, although it was noted that the petitioner's father had an arms licence in his name, it was erroneously recorded that the same had been declined on 24.08.2018, whereas the order passed by the learned Additional District Magistrate, Jalandhar, is dated 04.09.2018. There is no order dated 24.08.2018 whereby the petitioner's claim to be considered as a legal heir was examined at any stage. He submitted that this is evident from the order passed by the learned Additional District Magistrate, Jalandhar, as the provision of Rule 25 of the



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Arms Rule 2016 has not even been referred to and therefore, has not been considered. He further submitted that even a perusal of the order passed by the Appellate Authority would show that the order is without any reasons and, therefore, is perverse and liable to be set aside.

5. On the other hand, learned State counsel, while referring to the reply filed by the respondent-State, submitted that the petitioner was not granted the licence in view of the fact that he did not face any threat from any person and there was no requirement for him to obtain a licence in the absence of any threat perception. He submitted that therefor the learned Additional District Magistrate, Jalandhar has rightly declined to grant the licence to the petitioner under Clause ii of the policy (Annexure P-6).

6. I have heard learned counsel for the parties.

7. A perusal of both the impugned orders would show that one of the issues on the basis of which the learned authorities were required to consider the application of the petitioner was his claim as a legal heir for the purpose of transfer of the licence held by his father, who had a valid licence. Reliance was placed by the learned Additional District Magistrate, Jalandhar, on Clause ii of the policy dated 31.03.2010 (Annexure P-6), whereas Clause iii of the said policy pertains to the heirloom category, which was never considered. Even otherwise, after the coming into force of the Arms Rules, 2016, a specific provision, namely Rule 25, has been incorporated for dealing with the grant of licence to legal heirs of a person already holding an arms licence. These aspects of Rule 25 have neither been adverted to nor considered by the learned Additional District



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Magistrate, Jalandhar or by the learned Appellate Authority. Therefore, both the impugned orders also appear to be vague in nature.

8. In view of the aforesaid facts and circumstances, the present petition is allowed and orders dated 04.09.2018 passed by the learned Additional District Magistrate, Jalandhar (Licensing Authority) and dated 12.02.2020 passed by the learned Commissioner, Jalandhar Division, Jalandhar (Appellate Authority) are hereby set aside and the matter is remanded back to the learned Additional District Magistrate, Jalandhar, for fresh consideration of the petitioner's application in accordance with law.

9. The fresh order shall be passed within a period of two months from today, with a fresh application of mind and uninfluenced by the orders dated 04.09.2018 passed by learned Additional District Magistrate, Jalandhar and dated 12.02.2020 passed by learned Commissioner, Jalandhar Division, Jalandhar and the present order passed by this Court.

10. Needless to say, a speaking order shall be passed in accordance with law and after giving adequate opportunity of hearing to petitioner or his counsel.

(JASGURPREET SINGH PURI)
JUDGE

16.02.2026

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No