

207

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-15395-2021

Date of decision: 17.02.2026

RAJESH

...Petitioner(s)

VERSUS

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

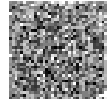
Present:- Mr. Bikram Chaudhary, Advocate
for the petitioner.

Mr. Udit Garg, Addl. A.G., Haryana.

JASGURPREET SINGH PURI, J. (Oral)

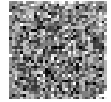
1. The present Civil Writ Petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the order dated 12.02.2021 (Annexure P-8) passed by respondent No.2, whereby the appeal filed by the petitioner under Section 18 of the Arms Act, 1959 has been dismissed and also the order dated 21.12.2020 (Annexure P-6) passed by respondent No.3, whereby the arms licence of the petitioner has been cancelled without affording him any opportunity of hearing and without serving him any show cause notice.

2. Learned counsel for the petitioner submitted that by way of the impugned order dated 21.12.2020 (Annexure P-6), the licensing authority i.e. the District Magistrate, Palwal has cancelled the arms licence of the petitioner by referring to certain pending FIRs registered against him and the report of the



police. He further submitted that the aforesaid order has been passed under Section 17(3) of the Arms Act without recording any satisfaction as to whether the case of the petitioner falls within any of the grounds prescribed under the said provision or not. He further submitted that when the petitioner filed an appeal, the appellate authority i.e. the Commissioner, Faridabad Division, Faridabad, upheld the order passed by the licensing authority by observing that a person like the petitioner has the possibility of spreading unrest from arms licence, which does not constitute a valid ground for cancellation of arms licence under Section 17(3) of the Arms Act and therefore, the order passed by the appellate authority is totally unreasoned, cryptic and not supported by any law. He further submitted that it has been observed in both the aforesaid impugned orders that the petitioner did not reply to the show cause notice, which is incorrect and rather the petitioner was never afforded any opportunity of hearing.

3. On the other hand, Mr. Udit Garg, Addl. A.G., Haryana submitted that the licensing authority has passed the aforesaid impugned order under Section 17(3) of the Arms Act because there were FIRs pending against the petitioner, which is so reflected in the order itself and therefore, it was not in the interest of the public to allow the petitioner to continue holding the arms licence and in this way, the licensing authority has rightly cancelled the licence of the petitioner. He further submitted that when an appeal was filed by the petitioner, the appellate authority observed in the operative part of the order that five criminal cases are pending against him, which are under consideration at Delhi and as five cases are pending against the petitioner, he does not fall in the



category of peace loving person and therefore, in order to prevent any unrest being caused due to the aforesaid licence, the appellate authority has rightly dismissed the appeal filed by the petitioner.

4. I have heard the learned counsels for the parties and perused both the impugned orders passed by the licensing authority as well as the appellate authority.

5. A perusal of the order passed by the licensing authority, whereby the licence of the petitioner was cancelled would show that the powers have been exercised by the licensing authority, who was the District Magistrate, Palwal, by referring to various FIRs pending against the petitioner. A perusal of the order would further show that a show cause notice was issued to the petitioner but as per the order, he failed to appear and that also constituted one of the grounds for cancellation of his arms licence. A perusal of the order passed by the licensing authority would also show that because of the aforesaid reason that the petitioner did not respond to the show cause notice, the order under Section 17(3) of the Arms Act was passed.

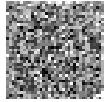
6. However, as per the provisions of Section 17(3) of the Arms Act, various grounds have been mentioned for the suspension, revocation or cancellation of an arms licence. Section 17(3) of the Arms Act is reproduced as under:-

“17. Variation, suspension and revocation of licences.—

xxx-xxx-xxx-xxx

(3) The licensing authority may by order in writing suspend a licence for such period as it thinks fit or revoke a licence,—

(a) if the licensing authority is satisfied that the holder of the licence is prohibited by this Act or by any other law



for the time being in force, from acquiring, having in his possession or carrying any arms or ammunition, or is of unsound mind, or is for any reason unfit for a licence under this Act; or

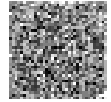
(b) if the licensing authority deems it necessary for the security of the public peace or for public safety to suspend or revoke the licence; or

(c) if the licence was obtained by the suppression of material information or on the basis of wrong information provided by the holder of the licence or any other person on his behalf at the time of applying for it; or

(d) if any of the conditions of the licence has been contravened; or

(e) if the holder of the licence has failed to comply with a notice under sub-section (1) requiring him to deliver-up the licence.”

7. As per Clause (a) of Section 17(3) of the Arms Act, the licensing authority may revoke a licence if it is satisfied that the holder of the licence is prohibited by this Act or by any other law for the time being in force, from acquiring, having in his possession or carrying any arms or ammunition, or is of unsound mind, or is for any reason unfit for a licence under this Act. However, the order passed by the licensing authority does not indicate as to whether the petitioner has violated any of the provisions of the Act or the conditions of licence and furthermore, no such satisfaction has been recorded by the licensing authority that the petitioner is unfit for licence under the Act. As per Clause (b) of Section 17(3) of the Arms Act, the licensing authority may suspend or revoke a licence if the licensing authority deems it necessary for the security of the public peace or for public safety but in the order passed by the licensing authority, no such reasoning or satisfaction has been recorded at all. As per Clause (c) of Section 17(3) of the Arms Act, if a licence was obtained by the suppression of material information or on the basis of wrong information



provided by the holder of the licence or any other person on his behalf at the time of applying for it, the licence can be cancelled but the present is not a case of any suppression of material information or providing of wrong information. As per Clause (d) of Section 17(3) of the Arms Act, if any of the conditions of the licence has been contravened, the licence can be cancelled but no such contravention of any of the conditions of the licence has been specified in the impugned order passed by the licensing authority. As per Clause (e) of Section 17(3) of the Arms Act, if the holder of a licence has failed to comply with a notice under sub-section (1) requiring him to deliver-up the licence, then again it becomes a ground for cancellation of licence but no such ground has been mentioned in the impugned order (Annexure P-6) indicating that the petitioner has failed to comply with the notice under sub-section (1) requiring him to deliver up the licence.

8. When the petitioner filed an appeal before the appellate authority, who was the Commissioner, Faridabad Division, Faridabad, then the appellate authority did not consider the submissions made by the petitioner and affirmed the order passed by the licensing authority. A perusal of the operative part of the order passed by the appellate authority would show that it only mentions that five criminal cases are pending against the petitioner and he does not fall in the category of a peace loving person. It is a settled law that mere pendency of an FIR against a person cannot *ispo facto* become a ground for cancellation of licence unless the parameters contained under the provisions of the Arms Act are satisfied. A further perusal of the order passed by the appellate authority would show that it was so observed that a person like the petitioner has the



possibility of spreading unrest from arms licence. However, this also cannot become a ground for cancellation of the arms licence as no such ground finds mention in any of the statutory provisions as aforesaid.

9. In this way, both the impugned orders passed by the licensing authority and appellate authority vide Annexure P-6 and Annexure P-8, respectively, are totally contrary to law and are therefore liable to be set aside.

10. Consequently, the present Civil Writ Petition is allowed. Both the impugned orders dated 21.12.2020 (Annexure P-6) and dated 12.02.2021 (Annexure P-8) passed by the licensing authority and the appellate authority, respectively, are hereby set aside. The matter is remanded back to the licensing authority i.e. the District Magistrate, Palwal, to pass a fresh and reasoned order after giving adequate opportunity of hearing to the petitioner or his counsel. It is made clear that the fresh order shall be passed with due application of mind and uninfluenced by the earlier order passed vide Annexure P-6 as well as the present order passed by this Court as this Court has not observed anything on the merits of the case. The fresh order shall be passed by the District Magistrate, Palwal, within a period of three months from today, strictly in accordance with law.

(JASGURPREET SINGH PURI)
JUDGE

17.02.2026
Chetan Thakur

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No