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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 842/2026 & CM APPL. 4122/2026**

SH. SUNIL KUMAR

.....Petitioner

Through: Mr Nimish Chib with Mr Pushkin
Chaudhary, Advocates.

versus

JOINT COMMISSIONER OF POLICE

.....Respondent

Through: Mr. Neeraj (SPC), Mr. Ravi(GP),
Adv. Sahaj Garg (SPC), Mr. Vinod
Renewal (Inspector) and Mr. Jwala
(Constable).

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDR KUMAR KAURAV

ORDER

% **21.01.2026**

1. By way of the present petition, the petitioner seeks quashing of the impugned order dated 31.08.2025 passed by the appellate authority in Appeal no.40/2025 under the provisions of Section 18 of the Arms Act, 1959 ['Act']. By the impugned order, the rejection of the petitioner's application for grant of arm license has been affirmed.
2. The petitioner claims to be engaged in the business of operating an authorized parking site under the Municipal Corporation of Delhi Urban Shelter Improvement Board ['DUSIB']. The Petitioner has been working as a parking contractor/manager since the year 2014, and is presently managing multiple parking sites under DUSIB at Dakshin Puri, Sangam Park,



Kalyanpuri and Trilokpuri.

3. The case of the petitioner is that owing to the nature of his occupation and repeated incidents of intimidation and violence at various parking sites, he is subjected to grave threats to his life and safety while discharging his professional duties. He had, therefore, applied for grant of arm license in the month of January 2025 before the respondent.

4. The said application was rejected by the respondent *vide* email dated 30.01.2025 (*Annexure P-8*). Aggrieved thereby, the petitioner preferred an appeal under Section 18 of the Act which has been rejected by the impugned order. This is how the instant petition has been preferred by the petitioner.

5. Learned counsel appearing for the petitioner contends that he has placed on record multiple incidents, indicating threat to his security, and despite the same, the impugned order has been passed.

6. The impugned order passed by the appellate authority would indicate that self protection, in itself, is not sufficient justification for the granting of an arms license. The local police did not recommend grant of license to the petitioner and therefore, the petitioner did not meet the criteria under Rule 12(3) of the Arms Rules, 2016 [**'Rules'**].

7. Under Rule 12 of the Rules, the licensing authority is duty-bound to consider the recommendations of the district magistrate and the report by the concerned police, and to verify to its satisfaction from its own source, that the applicant requires a license. Therefore, it is seen that the statutory framework confers the licensing authority with a wide degree of discretion in granting licenses, and also specifies the manner in which such discretion is to be exercised, i.e., consideration of reports of other authorities. Such discretion falls within the domain of the executive. The Court cannot



substitute its own opinion in place of the opinion of the executive authority. This Court, in **Nirankar Rastogi v. Joint Commissioner of Police and Anr**,¹ has taken a similar view. Reference can also be made to the decisions of the High Court of Madhya Pradesh in **Suneel Kumar Singh v. State of M.P.**,² The Supreme Court, in its decision in **Asif Hameed and Others v. State of Jammu and Kashmir and Others**,³ has discussed the scope of the power of judicial review as follows:

“19. When a State action is challenged, the function of the court is to examine the action in accordance with law and to determine whether the legislature or the executive has acted within the powers and functions assigned under the Constitution and if not, the court must strike down the action. While doing so the court must remain within its self-imposed limits. The court sits in judgment on the action of a coordinate branch of the Government. While exercising power of judicial review of administrative action, the court is not an Appellate Authority. The Constitution does not permit the court to direct or advise the executive in matters of policy or to sermonize qua any matter which under the Constitution lies within the sphere of legislature or executive, provided these authorities do not transgress their constitutional limits or statutory powers.”

8. In the present case, the respondent has not transgressed the power conferred under the Act and the Rules. In fact, the reason cited for the refusal to grant the license, i.e., the report of the police, is in line with Rule 12 of the Rules. Furthermore, there does not exist any fundamental right to possess firearms, under the Constitution of India. This Court, in the case of **Parveen Kumar Beniwal v. GNCTD**,⁴ and **Nirankar Rastogi** has subscribed to the same view. Therefore, no fundamental right of the petitioner has been violated by way of the impugned order.

9. It is also pertinent to note rampant directions for issuance of arms licenses may create a total anarchy in the society which is avoidable. Merely

¹ 2015:DHC:7861

² 2022 SCC OnLine MP 1345

³ 1989 Supp (2) SCC 364

⁴ 2014: DHC: 7303



because the petitioner is operating parking sites and has been involved in various incidents would not itself be the sole reason to direct the grant of an arms license. There may be various similarly situated parking operators where untoward incidents occur occasionally. However, the duty to secure the safety of the public, including the petitioner, is of the law and order machinery of the State.

10. The Court does not find any reason to interfere into the impugned order.

11. Accordingly, the petition stands dismissed.

PURUSHAINDR KUMAR KAURAV, J
JANUARY 21, 2026/P/AMG