



2026:DHC:2213



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3074/2026**

Date of decision: **11.03.2026****IN THE MATTER OF:****PARDEEP KUMAR GILANI**

.....Petitioner

(Through: Appearance not given.)

versus

GOVT OF NCT OF DELHI & ANR.

.....Respondents

*(Through: Ms. Shubhi Bhardhwaj (SPC), Mr. Deepansh Sharma (GP), for R-1 and 2 along with Mr. Naresh (Inspector))***CORAM:****HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV****J U D G E M E N T****PURUSHAINDRA KUMAR KAURAV, J. (ORAL)**

1. The instant petition is for the following reliefs:-

“(a) Pass/ Issue a Writ in the nature of Certiorari or any other appropriate Writ, Order or Direction, quashing the impugned Order dated 17.07.2019 passed by the Hon'ble Lieutenant Governor, Delhi, in Appeal No. 25 OF 2019;

(b) Pass/ Issue a Writ in the nature of Certiorari or any other appropriate Writ, Order or Direction, quashing the impugned Order dated 26.02.2019 passed by the Joint Commissioner of Police, Licensing Unit, Delhi, cancelling Arms License No. ODRH/11/2009/2 of the Petitioner; and

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(c) Pass/Issue a Writ in the nature of Mandamus or any other appropriate Writ, Order or Direction, directing the Respondents to forthwith revive/restore Arms License No. ODRH/11/2009/2 of the Petitioner.

(d) Pass any other and further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case."

2. According to the petitioner, he was granted a license for acquisition and possession of firearms and ammunitions under Section 13 of the Arms Act, 1959 (Act). However, *vide* order dated 26.02.2019, the license was revoked by the Licensing Authority under Section 17 of the Act. Against this order, the petitioner had preferred an appeal before the Appellate Authority under Section 18 of the Act, and the same was rejected *vide* order dated 17.07.2019.

3. As per the order dated 26.02.2019, the license was revoked on the ground that he had violated Rule 32 of the Arms Rules, 2016 as well as the conditions of the license by taking the licensed weapon beyond the licensed area and engaging in celebratory firing. It is also noted that F.I.R. No. 191 of 2016 (F.I.R.) *qua* offences under Sections 498A, 406, and 34 of the Indian Penal Code, 1860 was registered against the petitioner and that he had failed to inform the Licensing Authority about the same. Further, the Licencing Authority was of the opinion that there was no valid reason for the grant of the license to the petitioner, on the basis of the threat assessment report received from the local police.

4. The Appellate Authority, in the impugned order dated 17.07.2019 has found no ground to interfere with the order of the Licensing Authority.



5. According to the petitioner, the F.I.R. has been quashed by this Court, and therefore, the Licensing Authority ought not to have revoked the license for non-disclosure of the F.I.R. Further, the petitioner claims that he is a jeweller and his business maintains a large stock of valuable jewellery and cash rendering him vulnerable to theft and robbery. It is his case that, therefore, the Licensing Authority could not have concluded that there was no valid reason for grant of the license.

6. At the outset, it is seen that the impugned orders were passed in the year 2019, and the petitioner has challenged the same only in the year 2026, i.e., after about seven years.

7. The Supreme Court, in its decision in ***Mrinmoy Maity v. Chanda Koley and Ors.***,¹ has held that delay and laches is one of the factors which should be borne in mind by the High Court while exercising its discretionary jurisdiction under Article 226 of the Constitution of India. However, such discretion is to be exercised with care and cation. The delay may be condoned if the petitioner is able to justify the same. The relevant portion of the said decision is extracted below, for reference:

“9. Having heard rival contentions raised and on perusal of the facts obtained in the present case, we are of the considered view that writ petitioner ought to have been non-suited or in other words writ petition ought to have been dismissed on the ground of delay and laches itself. An applicant who approaches the court belatedly or in other words sleeps over his rights for a considerable period of time, wakes up from his deep slumber ought not to be granted the extraordinary relief by the writ courts. This Court time and again has held that delay defeats equity. Delay or laches is one of the factors which should be born in mind by the High Court while exercising discretionary powers under Article 226

¹ 2024 INSC 314



of the Constitution of India. In a given case, the High Court may refuse to invoke its extraordinary

powers if laxity on the part of the applicant to assert his right has allowed the cause of action to drift away and attempts are made subsequently to rekindle the lapsed cause of action.

10. The discretion to be exercised would be with care and caution. If the delay which has occasioned in approaching the writ court is explained which would appeal to the conscience of the court, in such circumstances it cannot be gainsaid by the contesting party that for all times to come the delay is not to be condoned. There may be myriad circumstances which gives rise to the invoking of the extraordinary jurisdiction and it all depends on facts and circumstances of each case, same cannot be described in a straight jacket formula with mathematical precision. The ultimate discretion to be exercised by the writ court depends upon the facts that it has to travel or the terrain in which the facts have travelled.”

8. In the instant case, however, the petitioner has not justified the enormous delay of around seven years in challenging the impugned orders. Considering that the petitioner has slept over his purported rights for such a long time, and in the absence of any justification for the same, there is no reason for the Court to exercise its powers under Article 226 of the Constitution of India.

9. Even otherwise, the impugned orders do not suffer from any infirmity warranting interference by this Court.

10. Under Section 17(3)(a) of the Act, the Licensing Authority is authorised to revoke the license if it is satisfied that the license holder is, by any reason, unfit for a license. Further, Section 17(3)(d) of the Act, authorises the Licensing Authority to revoke the license in case of violation of any of the conditions attached to it.

11. The petitioner, admittedly, carried the licensed weapon outside the



licensed area and fired rounds. The quashment of the FIR on the basis of settlement between the parties, therefore, would not be of any assistance to the petitioner as he had contravened conditions of the license. Furthermore, as per the report of the local police, there did not exist any valid reason for granting a license to the petitioner. Therefore, the Licensing Authority has revoked the license.

12. It is pertinent to note that the decision to grant or revoke licenses is left to the discretion of the Licensing Authority under the Act. The statutory scheme envisages that the same is in the domain of the Executive. In such cases, it is not for the Court to substitute its own opinion for that of the Executive Authority. Reference can be made to the decision in the case of **Sh. Sunil Kumar v. Joint Commissioner of Police**,² wherein this Court has held as under:

*“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**,³ 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.**,⁴ The Supreme Court, in its decision in **Asif Hameed and Others v. State of Jammu and Kashmir and Others**,⁵ 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

² Order dated 21.01.2026 in W.P. (C) 842/2026

³ 2015:DHC:7861

⁴ 2022 SCC OnLine MP 1345

⁵ 1989 Supp (2) SCC 364



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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.””

13. In the instant case, the Licensing Authority has formed an opinion that there does not exist any reason for grant of license to the petitioner, upon consideration of the relevant material and the same has been upheld by the Appellate Authority. It is not the case of the petitioner that there has been any violation of the principles of natural justice or procedural impropriety going to the root of the matter. Therefore, there does not exist any reason for the Court to interfere with the impugned orders.

14. Accordingly, the instant petition stands dismissed.

PURUSHAINDRA KUMAR KAURAV, J

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