
(2014) 01 MP CK 0066
In the Madhya Pradesh High Court
Case No : Writ Petition. No. 4836 of 2013

Devendra Sharma

APPELLANT

Vs

State of M.P. and Others

RESPONDENT

Date of Decision : 10-01-2014

Acts Referred:

Arms Act, 1959 — Section 14(3)

Citation : AIR 2014 MP 43

Hon'ble Judges : Sujoy Paul, J

Bench : Single Bench

Advocate : R.B.S. Tomar, for the Appellant; Nidhi Patankar, Government Advocate, for the Respondent

Final Decision : Allowed

Judgement

Sujoy Paul, J.—In this petition, the petitioner has challenged the rejection order dated 22.05.2013, whereby the petitioner's application for grant of arms license is rejected by the State Government. By placing reliance on order passed in WP No. 4490/2011 (Shyam Singh Dharkar v. State of M.P.) dated 03.07.2013, it is contended by Shri R.B.S. Tomar that section 14(3) of the Arms Act, 1959 prescribes that Licensing Authority is obliged to assign reasons for refusal to grant arms license. In the present case no reasons are assigned, this petition deserves to be allowed. Prayer is opposed by the other side.

2. Section 14(3) of the Arms Act, 1959 reads as under:---

Where the licensing authority refuses, to grant a license to any person it shall record in writing the reasons for such refusal and furnish to that person on demand a brief statement of the same unless in any case the licensing authority is of the opinion that it will not be in the public interest to furnish such statement.

3. A bare perusal of the impugned order shows that singular reason assigned for rejection is that the petitioner has no threat from any community/group and it is not as per new arms policy of the Government. In Shyam Singh Dharkar (supra)

this Court opined as under:--

Earlier the petitioner submitted an application for grant of arms license. The application was recommended by the Superintendent of Police. The Station House Officer also recommended the application. It is mentioned in the impugned order that the proposal for grant of arms license was not satisfactory and there was no reason to grant arms license. However, no details have been mentioned in the impugned order why the petitioner is not eligible to be granted arms license.

4. In the considered opinion of this Court, the reasons assigned are not adequate. It is not mentioned as to which arms policy is referred in the impugned order. It is also not made clear as to what was the criteria which was not fulfilled by petitioner of the said arms policy. Reasons are not sufficient for rejecting the application. Resultantly, the impugned order dated 22.05.2013 is set aside. The matter is remitted back to the competent authority to pass order in accordance with section 14(3) of the Arms Act. Petition is allowed to the extent indicated above. It is made clear that this Court has not expressed any opinion on the merits of the case.