

(2024) 10 JH CK 0039
In the Jharkhand High Court
Case No : Writ Petition (C) No. 388 Of 2019

Duleshwar Singh

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 29-10-2024

Acts Referred:

Citation : (2024) 10 JH CK 0039

Hon'ble Judges : Anubha Rawat Choudhary, J

Bench : Single Bench

Advocate : Sonal Sodhani, Binit Chandra

Final Decision : Disposed Of

Judgement

Anubha Rawat Choudhary, J

1. Learned counsel for the parties are present.

2. This writ petition has been filed for the following reliefs:-

" That in the instant writ petition the petitioner prays for issuance of an appropriate writ for setting aside the order dated 20.10.2018 passed vide Memo No. 534 (Annexure-2) issued by the Deputy Commissioner, Gumla by which on the recommendation of the Superintendent of Police Gumla, (Respondent No.3), the Arms Licence granted to this petitioner vide GML No.17/2012 has been cancelled i.e., too without any opportunity of hearing or sufficient reason and also i.e. without any allegation of violation of any terms and conditions in which the licence was granted, though earlier licence was given to this petitioner in the year 2012 considering his safety and security problem since his father was murdered by the extremists of the locality in which this petitioner was the informant and he had lodged case in which several persons were remanded to custody vide Basia P.S. Case No.12/11;

And/or

The Petitioner further prays for a direction upon the concerned respondents to restore the arms licence i.e. GML No.17/12 to the petitioner to its original file and allow him to keep his own arms which was returned to police as per the direction of the Deputy Commissioner i.e. NP Bore Rifle No. AB1201839;

And/or

The Petitioner further prays for a direction upon the concerned respondents to return the rifle after restoring his licence since the same was issued considering the safety and security problem of this petitioner i.e. after murder of his father namely Manipal Singh”.

3. Learned counsel for the petitioner submits that no opportunity of hearing was granted to the petitioner before cancelling the arms licence. She has also relied upon an order passed by this court in W.P. (C) No. 4110 of 2019 dated 25th July 2024 and has submitted that arising out of the same impugned order contained in memo no. 534 dated 20.10.2018 two arms licence were cancelled and the order passed in W.P. (C) No. 4110 of 2019 has set aside the cancellation of licence with respect to one Om Prakash Sahu.

4. Counsel for the respondent has submitted that the records of case reveal that some enquiry was conducted prior to cancellation of licence but it is not in dispute that the petitioner was not granted any opportunity of hearing.

5. After hearing the learned counsel for the parties and considering the facts and circumstances of this case, this court finds that the arms licence of the petitioner has been cancelled without granting an opportunity of hearing to the petitioner though the records of the case reveal that some enquiry was conducted.

6. This court is of the view that the petitioner was required to given an opportunity of hearing before cancelling of licence.

7. Consequently, the impugned order cancelling the arms licence of the petitioner cannot be sustained in the eyes of law on account of gross violation of principles of natural justice and is accordingly set aside so that opportunity of hearing be granted to the petitioner and appropriate order be passed.

8. The matter is remitted back to the Deputy Commissioner, Gumla so that a fresh order be passed after granting an opportunity of hearing to the petitioner. The enquiry report has already been placed on record. The petitioner shall appear before the respondent no. 2 on 11.11.2024 at 11.00 am and an order be passed within a period of one week from 11.11.2024 after granting an opportunity of hearing to the petitioner and in accordance with law. The order to be passed be communicated to the petitioner forthwith.

9. This writ petition is disposed of in the aforesaid terms.