
(2009) 04 AHC CK 0291
In the Allahabad High Court
Case No : Writ Petition No.1822 of 2009 (M/S)

Sanjay Singh

APPELLANT

Vs

District Magistrate, Sultanpur and Others

RESPONDENT

Date of Decision : 01-04-2009

Acts Referred:

Citation : (2009) 04 AHC CK 0291

Hon'ble Judges : S.S.Chauhan, J

Final Decision : Disposed Of

Judgement

S.S. Chauhan, J.—Heard the learned counsel for the parties.

2. Submission of learned counsel for the petitioner is that without any written order the police officials of the police station concerned have approached him and directed to deposit the fire arms for which he has got valid license issued by the competent authority and the period of the license is still continuing. He further submits that the police of Police Station concerned has approached him and directed him to deposit the fire arms on account of certain orders passed by the District Magistrate in pursuance to the directions issued by the Election Commission.

3. Learned counsel for opposite parties submits that general direction has been given by the Election Commission of India with an expectation that the arms holders should deposit their arms in spite of having valid fire arms license. The Election Commisison of India had directed the State Government to maintain law and order for peaceful holding of the election.

4. My attention has been drawn towards the judgment and order dated 25.1.2002 passed in Writ Petition No.241 (M/S) of 2002. The Court while deciding the said writ petition observed as under:

?In view of the direction issued by the Election Commission of India and the law declared by this Court, it is expected from the authorities that they shall not

compel any license holders for fire arms to surrender their arms if they are not involved in any criminal case. It is also clarified that the state is free to take action against the persons who have released on bail, against the persons who are having criminal history and those who were earlier convicted or previously involved in rioting at the time of elections.?

5. Considering the aforesaid observation, it is provided that in case the petitioner possesses valid arms license for his fire arms and no written order has been issued by the competent authority against him with the direction to deposit the arms, he shall not be compelled to deposit the arms till further orders of this Court. However, it shall be open for the opposite parties to proceed in accordance with law on case to case basis in case they feel that continuance of the fire arms with him shall be detrimental to public peace of law and order.

6. The writ petition is disposed of finally subject to the above noted terms.