

Mahendra Kumar Vishwakarma vs State Of U.P. And 2 Others on 1 May, 2025

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:69173

Court No. - 33

Case :- WRIT - C No. - 2693 of 2019

Petitioner :- Mahendra Kumar Vishwakarma

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Anjani Kumar,Surya Bhan Dubey

Counsel for Respondent :- C.S.C.

Hon'ble Kshitij Shailendra,J.

1. Heard Shri Surya Bhan Dubey, learned counsel for the petitioner and learned Standing Counsel for all the respondents.
2. The petitioner's application requesting grant of fire arm licence has been cancelled by the District Magistrate on 26.12.2017, against which order statutory appeal under Section 18 of the Act was filed, which has also been dismissed by the Commissioner, Varanasi Division Varanasi on 06.09.2018. These two orders have been challenged in the present writ petition.
3. Learned counsel for the petitioner submits that rejection is only on the ground that the officers did not find any threat or danger to the life of the petitioner. Submission is that the petitioner actually had a threat to life and once an application was filed for grant of licence, this, in itself shows the applicant was in need of fire arm licence and, therefore, merely because certain specific particulars could not be brought to the notice of the authorities, rejection of application is not

justified.

4. Learned Standing Counsel submits that 7-8 years have passed since rejection of the petitioner's claim and even otherwise, once Licensing Authority was not satisfied regarding acute necessity of grant of fire arm licence, no interference is warranted in the orders impugned.

5. This Court is of the view that Licensing Authority under the Arms Act, 1959 has to record its satisfaction regarding necessity to grant fire arm licence and once on the basis of material placed by the petitioner, the authorities have arrived at a conclusion that grant of fire arm licence, was not necessary, this Court in exercise of writ jurisdiction under Article 226 of Constitution of India cannot substitute the said dis-satisfaction by recording its own satisfaction, particularly when there is no material before this Court to arrive at such a conclusion.

6. At the same time, considering the fact that orders impugned were passed 7-8 years ago and it is well within the right of any citizen to apply for grant of fire arm licence subject to satisfaction of Licensing Authority, without interfering with the orders impugned, this writ petition is disposed of with liberty to the petitioner to file a fresh application before the Licensing Authority, Varanasi for grant of fire arm licence explaining specific particulars as to why such grant is necessary.

7. In case, such an application is filed as per the procedure within a period of three weeks from today, the Licensing Authority shall consider the same after calling for requisite reports, if required under the law and shall decide the same by passing a reasoned and speaking order or before 31.08.2025.

Order Date :- 1.5.2025 Sazia