

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (M/S) No. 2571 of 2016

With

Delay Condonation Application No. 10956 of 2016

Pawanjeet Virk.

.....Petitioner

Versus

State of Uttarakhand and another.

.....Respondents

Mr. Harshpal Sekhon, Advocate for the petitioner.

Mrs. Seema Sah, Brief Holder for the State of Uttarakhand/respondents.

Dated: 30.11.2016

Hon'ble V.K. Bist, J.

Heard learned counsel for the parties.

2. Delay Condonation Application is allowed and the delay in filing the counter affidavit is condoned. Counter affidavit filed on behalf of respondent no. 2 is taken on record.

3. Petitioner has approached this Court seeking the following relief:

“i issue a writ, order or direction in the nature of mandamus directing the respondent no. 1 to decide the application (Annexure No. 1) seeking transfer of arm license (DBBL gun no. 8574) on the basis of inheritance as the father of the petitioner died.”

4. Briefly put, the case of the petitioner is as follows:

Petitioner, on the basis of inheritance of arm license (DBBL gun no.8574), filed an application for transfer of gun license. On 01.12.2014, District Magistrate directed the S.S.P., Udham Singh Nagar to produce enquiry report. Thereafter, police report was submitted in the matter, in which the claim of the petitioner was found genuine. According to the petitioner, no information regarding the arms license was given to the petitioner. Thereafter, petitioner sought information under the R.T.I., in which petitioner was informed that, due to the expiry of six months period, the file has been sent back to the S.S.P., Udham Singh Nagar on 09.12.2014 for the fresh report. According to the petitioner, the rifle is presently deposited and the petitioner is living under constant threat to his live. Hence, this writ petition.

5. It is the contention of the learned counsel for the petitioner that, after the death of the father of the petitioner, petitioner applied for the transfer of arm license (DBBL gun no.8574) in his name. He submitted that though, police report has been submitted in which the claim of the petitioner is found genuine; but, the District Magistrate, Udham Singh Nagar has not taken decision on the application of the petitioner so far.

6. I have considered the submission advanced by the learned counsel for the petitioner. This is not a case of issuance of fresh arms license to the petitioner. This is a case where father of the petitioner was having the arm license of DBBL gun no.8574 and, after the death of the father of the petitioner, petitioner has applied for the

transfer of the said arm license in his favour. In my view, the said application should be decided at the earliest. It appears that petitioner is unnecessarily being harassed.

7. Consequently, the writ petition is disposed of with a direction to the respondent no.1-District Magistrate, Udham Singh Nagar to take decision on the pending application of the petitioner for the transfer of arm license (DBBL gun no.8574) expeditiously, preferably within a period of two months' from the date of production of a certified copy of this judgment and shall pass order for grant and transfer of arm license in favour of the petitioner, in case nothing serious is found against the petitioner.

8. There will be no order as to costs.

(V.K. Bist, J.)
30.11.2016

Arpan