

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CIVIL APPLICATION NO. 13186 of 2019**

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MEGHRAJSINH BHARATSINH RANA

Versus

STATE OF GUJARAT

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Appearance:

MR KIRTIDEV R DAVE(3267) for the Petitioner(s) No. 1

MR RAHUL K DAVE(3978) for the Petitioner(s) No. 1

MR MEET THAKKAR, AGP for the Respondents

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**CORAM: HONOURABLE MR.JUSTICE A.Y. KOGJE****Date : 30/08/2019****ORAL ORDER**

1. This petition is filed under Article 226 of the Constitution of India challenging order dated 01.06.2019 passed by the Joint Secretary, Home Department (Appeals) in Arms Appeal No.26 of 2018, whereby order dated 05.02.2018 passed by the Additional District Magistrate, Surendranagr came to be confirmed. The subject matter pertains to the grant of firearm license which came to be rejected by the impugned orders.

2. Learned Advocate for the petitioner submitted that the petitioner is an agriculturist and jointly possesses 188 vighas of land at village Lipalur of Lakhtar Taluka of Surendranagar District. It is submitted that at the time of selling crop in APMC, the

petitioner has huge amount of cash and during such period, there are incidents of theft and robbery in the area. Hence, for self defence, revolver licence was applied for.

2.1 It is submitted that that the rejection of the firearm license is based on irrelevant consideration as the firearm license came to be refused on the ground that there are no sufficient reasons mentioned for giving firearm licence and that there is negative opinion from the DSP. The application was also rejected on the ground that at present, there is good banking system and money transactions can be done through net-banking, etc. It was also observed that the petitioner can apply for crop protection firearm licence.

3. Learned AGP opposes the grant of petition contending that when the authorities have found that there are no sufficient reasons mentioned for giving firearm licence, that there is negative opinion from the DSP, this petition should not be entertained.

4. Having considered the rival submissions of the parties and having perused the documents on record, it appears that the petitioner had made an application for firearm license before the License Issuing Authority i.e. District Magistrate, Surendranagar. The order passed by

the License Issuing Authority dated 05.02.2018 would indicate that the application of licence is rejected on the ground that there are no sufficient reasons mentioned for giving firearm licence, there is negative opinion from the DSP, there is good banking system and money transactions can be done through net-banking, etc. and that the petitioner can apply for crop protection firearm licence. Other than this, there are no reasons mentioned in the order of the licence issuing authority. Nothing is on record to indicate that such negative opinion was brought to the notice of the petitioner to enable him to deal with it. Consequentially, order dated 01.06.2019 passed by the Joint Secretary, Home Department in Appeal No.26 of 2018 also reiterates the findings given by the License Issuing Authority. This Court is of the opinion that the impugned orders are not in consonance with Section 14 of the Arms Act and no reasons are mentioned as to how Section 14(b)(ii) is attracted.

6. In view of the aforesaid, order dated 01.06.2019 passed by the Joint Secretary, Home Department (Appeals) in Appeal No.26 of 2018 and order dated 05.02.2018 passed by the District Magistrate, Surendranagar are quashed and set aside. It is open for the petitioner to make a fresh application with necessary documents to the License Issuing Authority within period

of two weeks from today. The District Magistrate shall consider such application afresh and after granting an opportunity of hearing to the petitioner within period of two months therefrom.

7. With the aforesaid, the petition stands disposed of.

**Direct service** is permitted.

**(A.Y. KOGJE, J)**

SHITOLE