

IN THE HIGH COURT OF MADHYA PRADESH AT JABALPUR
BEFORE
HON'BLE SHRI JUSTICE PURUSHAINDRA KUMAR KAURAV
ON THE 21th OF FEBRUARY, 2022
WRIT PETITION No.20446 of 2018

Between:-

**PAWAN DIWAKAR S/O SHRI SHRIYANSH
DIWAKAR AGED ABOUT 56 YEARS,
OCCUPATION-BUSINESS, R/O KALI
CHOWK SEONI, THANA, TAHSIL &
DISTRICT SEONI (M.P.)**

....PETITIONER

(BY SHRI DINESH KUMAR KOSHAL - ADVOCATE)

AND

- 1. THE STATE OF M.P. THROUGH SECRETARY
HOME DEPARTMENT VALLABH BHAVAN
BHOPAL (M.P.).**
- 2. THE COLLECTOR, SEONI, M.P.**
- 3. THE SUPERINTENDENT OF POLICE SEONI,
DISTRICT SEONI (M.P.).**

....RESPONDENTS

(BY SHRI AKSHAY PAWAR- PANEL LAWYER)

*This petition coming on for admission this day, Hon'ble Shri
Justice Purushaindra Kumar Kaurav, passed the following:*

ORDER

The petitioner is aggrieved by order dated 06.04.2018 (Annexure P/3), whereby, respondent No.1 has rejected his application for grant of licence for a revolver.

2. The brief facts of the case are that petitioner is a permanent resident of district Seoni and is running multiple businesses. He apprehended danger of his life from smugglers of cows, dacoits and thieves, therefore, for self defense, he applied for the licence of aforesaid Arms which although was recommended by the Superintendent of Police, Seoni, however, the same has been rejected by respondent No.1 without assigning any reason.

3. Learned counsel appearing for the petitioner placed reliance on a Division Bench decision of this court in the matter of *Chhotelal Pachori Vs. State of M.P. and others*¹ and a recent decision of this court in the case of *Shishir Tiwari Vs. The State of M.P. and others*².

4. Learned counsel appearing for the respondents/State opposed and petition. He submits that before grant of Arms licence every aspect of the matter is required to be considered. On the facts of the present case it has been found that petitioner's application was required to be rejected in view of the provisions of Section 14(1) (b) (ii) of the Arms

¹ 2019(2) MPLJ 697.

² W.A.No.1295/2021 decided on 13.02.2022.

Act, 1959 (for short “the Act of 1959) which empowers the licensing authority to refuse to grant the licence where it deems necessary for the security of public peace or for public safety.

5. I have heard learned counsel for the parties and perused the record.

6. Taking into consideration the rival submission putforth by learned counsel for the parties, this court is of the opinion that the impugned order dated 06.04.2018 (Annexure P/3) does not record any reason as to why an application of the petitioner deserves rejection as per Section 14(1)(b)(ii) of the Act of 1959. Mere referring of the provision alone would not fulfill the requirement of assigning reasons.

7. In view of the aforesaid discussion and taking into consideration the decisions cited by learned counsel for the petitioner, the instant writ petition is allowed. The impugned order dated 06.04.2018 (Annexure P/3) is set aside. Respondent No.1 is directed to consider the application of the petitioner for grant of Arms licence afresh in accordance with law.

(PURUSHAINDR KUMAR KAURAV)
JUDGE

MKL.