



**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

BEFORE

HON'BLE SHRI JUSTICE G. S. AHLUWALIA

ON THE 4th OF OCTOBER, 2024

WRIT PETITION No. 20687 of 2022

SATYENDRA PRATAP SINGH

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri M.K. Agrawal- Advocate for petitioner.

Shri Dilip Parihar- Panel Lawyer for the respondents/State.

ORDER

This petition under Article 226 of Constitution of India has been filed seeking the following reliefs:-

“(i) This Hon’ble High Court may kindly be pleased to call for the entire record with regard to application for transfer of license submitted by the petitioner from the respondent No. 2 its perusal.

(ii) The Hon’ble High Court may kindly be pleased to issue an appropriate writ, order or direction to quash the order passed by the Collector, Rewa dated 20.03.2017 (Annexure P/1) in the interest of justice.

(iii) The Hon’ble High Court may kindly be pleased to issue an appropriate writ, order or direction to quash the order dated 23.04.2018 (Annexure P/2) passed in appeal by the Divisional Commissioner, Rewa Division Rewa in the interest of justice.

(iv) The Hon’ble High Court may kindly be pleased to issue an appropriate writ, order or direction against the respondents in favour of petitioner while quashing the impugned orders, the application of petitioner for transfer the license be allow in his favour of petitioner in the interest of justice.



(v) Any other writ, order or direction may kindly be issued in the interest of justice.”

2. It is submitted by counsel for petitioner that the petitioner filed an application for issuance of armed license. However, the said application has been rejected by order dated 20.03.2017 passed by District Magistrate, Rewa. Being aggrieved by the said order, the petitioner preferred an appeal which was registered as Appeal No. 124/Appeal/2016-17 which too has been dismissed by order dated 23.04.2018 passed by Commissioner, Rewa.

3. Challenging the order passed by the authority below it is submitted by counsel for petitioner that although the petitioner had filed an application for issuance of fresh arm licence, but the same was treated as an application for transfer of arm licence after the death of his father. It is submitted that there is no provision under the Arms Ac for transfer of arm licence after death of the owner and even otherwise, the petitioner had never made an application for transfer of the arm licence, which was issued in the name of his father. However, it is fairly conceded that father of the petitioner had expired on 13/3/2007 and an application for issuance of arm licence was filed by the petitioner in the year 2017 and neither the licence held by his father nor the gun held by his father was deposited by the petitioner. However, it is submitted that now the petitioner has deposited the gun and arm licence of his father.

4. Heard learned counsel for the parties.

5. It is the case of the petitioner that petitioner has moved an application for grant of arm licence, but the same has been considered as an application for transfer of arm licence in the name of the petitioner



after the death of his father. Although application for transfer of arm licence held by father of the petitioner was rejected and an appeal was filed, but it appears that in the memo of appeal also no ground was raised that the petitioner had not applied for transfer of arm licence in his name, but on the contrary from paragraph 3 of the appellate order, it appears that it was specifically pleaded by the petitioner that he was not aware that the date of renewal of arm licence held by his father was 31/12/2009 and only when he got the arm licence, then he filed an application in December, 2016 and authorities have approved for transfer of arm licence, which was held by his deceased father. Thus, it appears that the petitioner had filed an application for transfer of the arm licence in his name after death of his father. In absence of any such provision, no such application was entertainable and accordingly, it has rightly been rejected. However, petitioner is free to move a fresh application for grant of arm licence and if that is done, then the same shall be decided by the authorities in accordance with law without getting influenced or prejudiced by rejection of his previous application for transfer of arm licence in the name of petitioner, which was held by his deceased father.

6. With aforesaid observations, the petition fails and is hereby dismissed.

**(G.S. AHLUWALIA)
JUDGE**

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