

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

**WP(C) No. 1777/2024
CM No. 1671/2025, 460/2025**

Kuldeep SharmaAppellant(s)/Petitioner(s)

Through: Mr. Jagpaul Singh, Advocate.

vs

UT of J&K and others Respondent(s)

Through: Ms. Nazia Fazal, Advocate vice
Ms. Monika Kohli, Sr. AAG.

Coram: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

**ORDER
08.04.2025**

ORAL

1. The petitioner, through the medium of this petition, has sought a direction upon the respondents to renew his arms license bearing No. 674/ADMU dated 19.03.1996.
2. It has been contended in the writ petition that the petitioner was holding a valid arms license bearing No. 674/ADMU issued by respondent No. 3 on 19.03.1996 and the said license was renewed from time to time. It has been submitted that the license expired on 31.12.2019, but it was not renewed thereafter by the respondents. It has been submitted that the petitioner applied for renewal of his arms license after completing requisite formalities and submitted character certificate issued by the respondent No. 3. It has been further submitted that the respondents processed the case of the petitioner for renewal of the license.

3. According to the petitioner, the respondents are under an obligation to renew the license of the petitioner, unless some adverse character verification report from the concerned department comes to fore and that they are bound to take decision on the application of the petitioner, which they have failed to do.
4. Respondent No. 3-Additional Deputy Commissioner, Udhampur in his reply to the writ petition has submitted that the petitioner has never submitted character certificate issued by the competent authority, which is mandatory pre-requisite for renewal of the license. It has been submitted that the petitioner has submitted a character certificate issued by the Sarpanch, which holds no legal validity or relevance. It has been further submitted that the petitioner has been named in as many as 10 FIRs including the one registered under Arms Act. On this ground, it is being claimed that the contention of the petitioner is devoid of any merit. According to respondent No. 3, non-renewal of license of the petitioner is solely attributable to him.
5. I have heard learned counsel for the parties and perused record of the case.
6. Section 13 of the Arms Act governs the procedure for grant of arms license, whereas Section 14 of the Act governs the situations where Licensing Authority has power to refuse license. Section 15 of the Act deals with duration and renewal of license. The same is relevant to the context and is, reproduced as under:

15. Duration and renewal of licence-

(1) A licence under section 3 shall, unless revoked earlier, continue in force for a period of three years from the date on which it is granted: Provided that such a licence may be granted for a shorter period if the person by whom the licence is required so desires or if the licensing authority for reasons to be recorded in writing considers in any case that the licence should be granted for a shorter period.

(2) A licence under any other provision Of Chapter shall unless revoked earlier, continue in force for Such period from the date on which it is granted as the licensing authority may in each case determine.

(3) Every licence shall unless the licensing authority for reasons to be recorded in writing otherwise decides in any case be renewable for the same period for which the licence was originally granted and shall be so renewable from time to time, and the provisions of sections 13 and 14 shall apply to the renewal of a licence as they apply to the grant thereof,

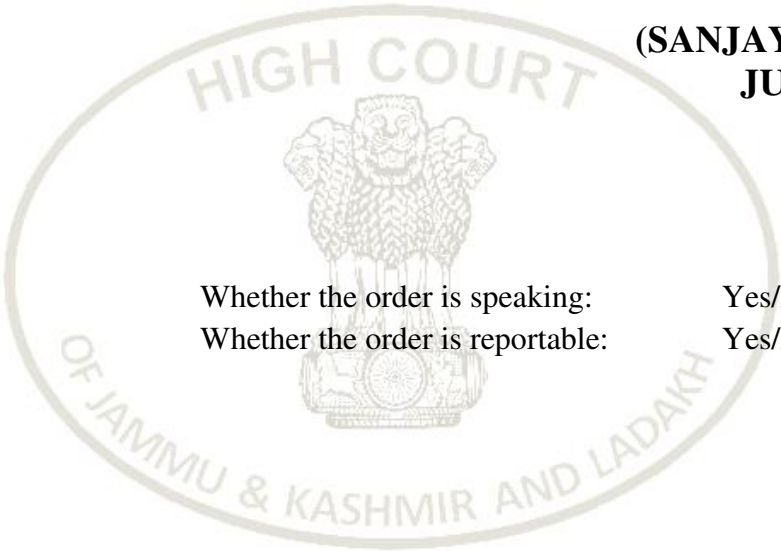
7. Sub-Section (3) quoted above provides that a license unless the licensing authority for reasons to be recorded in writing otherwise decides in any case be renewable for the same period for which the license was originally granted and shall be so renewable from time to time. It further provides that provisions of Section 13 and 14 shall apply to the renewal of license as they apply to the grant thereof.
8. It is thus clear that the licensing authority has to adopt the same procedure and formalities as are to be adopted while granting a fresh arms license and the provisions contained in Section 13 and 14 of the Act have be followed. As per Section 13 of the Act, on receipt of an application for renewal of license, the licensing authority has to call

for the report of the officer in-charge of the nearest Police Station on that application and the authority has to make such enquiry as it may consider necessary in terms of Section 13 of the Act. The authority after considering the report of the Police and subject to other formalities, by order in writing has to either grant the license or refuse to grant the license. As already stated, the same procedure has to be adopted while considering renewal of the arms license.

9. In the instant case, the stand of the licensing authority is that the petitioner has produced character certificate of Sarpanch and not the one issued by the concerned Police Station. In this regard it is to be borne in mind that it is the duty of the licensing authority to get the report from the concerned Police and it is not for the applicant to obtain such report. Thus, in the instant case the respondent-licensing authority was obliged to obtain a report from the concerned Police once it received the application of the petitioner. The respondent-licensing authority was also obliged to make such enquiry as it considers necessary before taking a decision on the application for grant or renewal of arms license in favour of the petitioner. Further as per Sub-Section (3) of Section 15 of the Act, the licensing authority has to record reasons in writing for refusing to renew the arms license. The respondents have, without undertaking the aforesaid exercise, kept the application of the petitioner pending and have not taken any decision thereon. This cannot be countenanced in law.

10. In view of the above, the writ petition is disposed of with a direction to the respondent Nos. 2 and 3 to take a decision on the application of the petitioner for renewal of his arms license after following the procedure prescribed under Chapter III of the Arms Act and the rules governing the field, most expeditiously, preferably within a period of two months from the date a certified copy of this order is made available to the said respondents.
11. Disposed of along with the connected applications.

Jammu
08.04.2025
Sahil Padha



(SANJAY DHAR)
JUDGE