HC-KAR

NC: 2025:KHC:45555
WP No. 30532 of 2025

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IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF NOVEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 30532 OF 2025 (GM-POLICE)

BETWEEN:

MICHAEL MAHESH CHRIS SALDANHA
S/O. PLACID SALDANHA,
AGED ABOUT 41 YEARS,
RESIDING AT 25-14-801,
FATHIMA GARDENS,
VALENCIA CHURCH ROAD,
MANGALURU - 575 002

...PETITIONER

(BY SRI. LEELESH KRISHNA., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS
PRINCIPAL SECRETARY,
HOME DEPARTMENT, VIDHANA SOUDHA,
BENGALURU 560 001

2. THE ADDITIONAL CHIEF SECRETARY,
(THE APPELLATE AUTHORITY
UNDER THE ARMS ACT,
195 HOME DEPARTMENT,
VIDHANA SOUDHA, BENGALURU 560 00

3. THE COMMISSIONER OF POLICE,
MANGALURU CITY A.B. SHETTY CIRCLE,
MANGALURU - 575 001

...RESPONDENTS

(BY SMT.K.P.UASHODHA, AGA)

THIS WP IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE IMPUGNED ENDORSEMENT BEARING NO. MGC/MAG2/ARMS/365/2020-MAG2-COMPOL-MGC DATED 24-H), ISSUED BY THE R-3 AS 7-2025 (ANNEXURE ILLEGAL ARBITRARY, AND CONTRARY TO LAW.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The learned Additional Government Advocate is directed to accept notice for the respondents.

2. The petitioner is before this Court seeking for the following reliefs:

> *"1) Issue a writ of certiorari or any other appropriate writ, order, or direction, quashing the impugned Endorsement bearing No.MGC/MAG2/ARMS/365/ 2020-MAG2-COMPOL-MGC dated 24-07-2025 (ANNEXURE - H), issued by Respondent No.3, as illegal, arbitrary, and contrary to law.*
>
> *2) Issue a writ of mandamus or any other appropriate writ, order, or direction, directing Respondent No.3 to forthwith grant the Petitioner an Arms License in terms of Rule 25 of the Arms Rules, 2016.*
>
> *3) Pass such other order or orders as this Hon'ble Court may deem just, fit and proper in the facts and circumstances of the case and in the interest of justice."*

3. The petitioner is a Commander/Pilot in profession. The petitioner's father owns a valid arms licence for .32 caliber revolver. Desiring to give the said revolver to the petitioner, the petitioner applied for a grant of arms licence in terms of Rule 25 of the Arms Rules, 2016 ('the Rules' for short). Initially the said application came to be rejected on the ground that there is no life threat to the petitioner. On appeal having been filed, the appeal came to be allowed and the order set aside, despite which an endorsement has been issued on 24.07.2025 that the arms licence could not be issued to the petitioner since there is no life threat established by the petitioner. In that background, the petitioner is before this Court seeking for the aforesaid reliefs.

4. The learned counsel appearing for the petitioner submits that the application which has been filed by the petitioner is under Rule 25 of the Arms Rules and not on account of there being any life threat to the petitioner. By relying on Rule 25 of the Arms Rules, he submits that any person can transfer an arm to his legal heir on attaining 70 years or on holding firearm for 25 years, whichever is earlier,

and insofar as those aspects being satisfied, when such transfer is sought to be made, there is no requirement for establishing threat to life as such and the consideration on the part of the respondents are not in accordance with Rule 25 of the Arms Rules.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Government Advocate and perused the material available on record.

6. The short point that would arise for consideration is:

> **Whether in case of a transfer of the arm under clause (b) of Section 25(1) of the Arm Rules, 2016, there would be a requirement for the transferee of the arm or the applicant to establish threat to life?**

7. Rule 25 of the Arms Rule, 2016 is reproduced hereunder for easy reference:

> ***"25. Grant of licences to legal heirs**.— (1) The licensing authority may grant a licence —*
>
> *(a) after the death of the licensee, to his legal heir; or*
>
> *(b) in any other case, on the licensee attaining the age of seventy years or on holding the firearm for twenty-five years, whichever is earlier, to any legal heir nominated by him:*
>
> *Provided that notwithstanding the provisions contained in rule 12 of these rules, the licensing authority may grant a licence to such legal heir if*

the eligibility conditions under the Act and these rules are fulfilled by the said legal heir and there are no adverse remarks in the police report.

(2) Where a licensee leaves behind more than one legal heir and the legal heirs decide amongst themselves to retain the arm or arms of the deceased, one of the legal heirs nominated by all other legal heirs may apply for a licence under sub-rule (1) along with the following documents, namely:-

(i) a declaration of no-objection from the remaining legal heirs;

(ii) an indemnity bond executed by the applicant giving full details of the licence and the arm or arms endorsed thereupon; and

(iii) a copy of the death certificate of the deceased licensee.

(3) Where the legal heirs decide to dispose of the arm or arms endorsed on the licence of the deceased licensee, they may apply to the licensing authority for grant of a limited period permission to sell the arm or arms, within the time allowed by such authority, to any licensed dealer or to any other person entitled to possess an arm under these rules."

8. Clause (a) of Rule 25 (1) of the Arms Rule would indicate that the licensing authority may grant a licence after the death of the licensee to his legal heir. It is very clear that on the death of the licensee, the legal heir would be entitle to transfer the licence.

9. Clause (b) of Rule 25 (1) of the Arms Rule provides for in any other case, when the licensee on attaining the age of 70 years or on holding the firearm for 25 years, whichever is earlier, the licensing authority may grant the licence to any legal heir nominated by him. Thus under clause (b), the licensee is not dead, but has attained 70 years of age or has been holding the firearm for 25 years.

10. In the present case, the petitioner's father is 75-year-old and he has been holding licence from 1971 that is for a period of almost 54 years. Thus, the dual conditions under Clause (b) of Rule 25 (1) of the Arms Rule being satisfied, what is only required under the proviso is that the other conditions are satisfied and there are no adverse remarks in the police report as regards the legal heir.

11. In terms of second proviso of Rule 25 of the Arms Rule, the licensee would be subject to a limit of two firearms. In the present case, the counsel for the petitioner submitted that the petitioner does not hold any other licence. That is on the transfer of the licence, the petitioner would only be holding one licence.

12. In that view of the matter, in terms of Rule 25 of the Arms Rule, the conditions in terms of Clause (b) of Rule 25(1) of the Arms Rule being satisfied, the respondents could not have rejected the application on the ground that there is no threat to life established by the petitioner.

13. I answer the point raised by holding that when an application under Rule 25 of the Arms Rules, 2016 is made, during the lifetime of the licensee, so long as the licensee is aged more than 70 years or has been holding the firearm licence for more than 25 years, he can nominate any of his legal heirs for transfer of licence and transfer of arm and there will be no requirement for the transferee to establish that there is any threat to life.

14. In view of my answer to the point raised, the petitioner's application having been rejected only on the ground that there is no threat to life which has been established. The said endorsement dated 24.07.2025 is contrary to Rule 25 of the Arms Rule, 2016. Hence, I pass the following:

ORDER

(i) Writ petition is allowed.

(ii) A certiorari is issued. Endorsement bearing No.MGC/MAG2/ARMS/365/2020-MAG2-COMPOL-MGC dated 24-07-2025 at Annexure -H is quashed.

(iii) A mandamus is issued directing respondent No.3 to process the application of the petitioner in terms of clause (b) of Rule 25(1) and issue a licence within a period of 4 weeks from the date of receipt of copy of this order.

SD/-
(SURAJ GOVINDARAJ)
JUDGE

JY
List No.: 1 Sl No.: 18