



HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

S.B. Civil Writ Petition No.1237/2024

Yagyajeet Singh Chauhan D/o Shri Manjeet Pal Singh Chauhan,
Aged About 24 Years, R/o Ward No. 16, Dayanand Colony,
Ladnu, District Nagaur (Raj.).

-----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary,
Department Of Home, Jaipur.
2. The District Collector-Cum-Magistrate, District Nagaur.
3. The District Collector-Cum-Magistrate, Deedwana, District
Deedwana And Kuchaman.

-----Respondents

For Petitioner(s) : Mr. Vijay Bishnoi
For Respondent(s) : Mr. SS Ladrecha, AAG assisted by Mr.
Deepak Suthar and Mr. Ravindra Jala

JUSTICE DINESH MEHTA

Order

Reportable

24/09/2024

1. The petitioner - a renowned National Shooter is constrained to approach this Court against illegal and arbitrary action of the respondents, who have refused to grant her arms license on absolutely untenable grounds.
2. The facts appertain are, that on 13.12.2021, the petitioner applied for arms license in prescribed application form (A-1). She indicated her occupation as a 'Sports Person' and in the column meant for weapon description, she mentioned SHOTGUNS, DBBL, SBBL, DBML, SBML.
3. Alongwith the application aforesaid, the petitioner had enclosed a Police Verification Certificate dated 24.11.2021,



certifying that no criminal case is registered against her. She had also appended a certificate dated 26.11.2021 issued by National Rifle Association of India certifying that the petitioner is a renowned shooter and has taken part in 63rd National Shooting Championship Competitions in Shotgun held at New Delhi from 16.11.2019 to 30.11.2019.

4. The respondents however did not grant her license, for which, the petitioner preferred a writ petition before this Court being S.B. Civil Writ Petition No.9680/2022 (Annexure-8). Said writ petition came to be decided by Co-ordinate Bench of this Court on 25.07.2022 in light of the judgment dated 24.05.2022, passed in the case of Bhan Singh vs. State of Rajasthan & Ors (S.B. Civil Writ Petition No.7422/2022).

5. In furtherance of the order aforesaid, the petitioner submitted a representation before the District Magistrate, Nagaur, who vide his order dated 13.10.2022 rejected the petitioner's application inter-alia observing that there is a danger to security of public peace and public welfare if a license is granted to the petitioner. The respondent No.2 held that the license cannot be granted as per section 14(1)(b)(ii) of the Arms Act, 1959 (hereinafter referred to as the 'Act of 1959').

6. Feeling aggrieved of the rejection of her application for grant of license, the petitioner has filed the present writ petition invoking the writ jurisdiction under Article 226 of the Constitution of India.

7. Mr. Bishnoi, learned counsel for the petitioner navigated the Court through various certificates and documents which have been issued to the petitioner by the National Rifle Association and other



Associations in order to establish that the petitioner is a National Level Shooter and has achieved laurels not only for the State but also for the Country.

8. Learned counsel for the petitioner pointed out that on 04.03.2024, a Co-ordinate Bench of this Court passed an interim order and directed the respondents to grant provisional license (from 15.03.2024 to 30.05.2024) as the petitioner was preparing for Olympic Games, 2024 scheduled to be held in Paris. In furtherance of the interim order so passed, a provisional arms license came to be issued to the petitioner on 20.03.2024, obviously for sports category, indicating therein "Renowned Shooters".

9. The petitioner imported a weapon being 'Bretta 694 Trap with Adjustable Stock And Accessories' and applied for requisite entry in her license.

10. The petitioner's provisional license came to be amended and the particulars of the weapon which the petitioner had imported were included in the license on 25.04.2024.

11. The petitioner had to move another stay application seeking appropriate direction for participating in the 22nd Rajasthan State Shooting Championship (Shotgun), 2024 notified on 21.06.2024.

12. A Co-ordinate Bench of this Court passed an interim order and directed the District Collector-cum-Magistrate, Deedwana, District Deedwana-Kuchaman to further direct the police authorities to release weapon surrendered by the petitioner and issue provisional license from 15.07.2024 to 19.07.2024, so as to enable the petitioner-applicant to take part in the ensuing competition. While passing said order, the Court obligated the



petitioner to surrender the weapon to the police station concerned.

13. The petitioner surrendered her weapon on the date as ordered by the Court and again when the 175th Indian Open Competition Shotgun (NR) Events August 2024 scheduled between 11.08.2024 to 20.08.2024 were announced, she has to move the third stay application. By way of order dated 07.08.2024, this Court had directed the District Collector-cum-Magistrate, Deedwana-Kuchaman to issue provisional license to the petitioner-applicant.

14. Today, the petitioner has again approached this Court seeking direction to the respondents to issue license/provisional license so as to enable her to participate and practice for 67th National Shooting Championship Competition (NSCC), which is scheduled to be held from 18.11.2024 to 10.12.2024.

15. Learned counsel for the petitioner submitted that the petitioner has to rush to this Court again and again for seeking interim direction and in this process, not only she remains on tenterhooks as to whether the license would be issued to her or not but also finds it difficult to prepare and do practice for the competition in absence of license and the weapon.

16. Having regard to the fact that the petitioner has to repetitively file applications, this Court deems it appropriate to decide the writ petition itself as neither the petitioner's rights to get an arms license can be kept in suspended animation till eternity nor can she be compelled to approach this Court time and again.



17. Learned counsel for the petitioner argued that the rejection of petitioner's request for issue of arms license by order impugned dated 13.10.2022 is absolutely illegal and arbitrary. He argued that petitioner is entitled for arms license and the reasons and rejection of petitioner's request, citing her case to be covered by provision of section 14(1)(b)(ii) of the Act of 1959 is contrary to facts, on the face of it.

18. While maintaining that there is no reason to infer that grant of license to the petitioner would pose threat to security of public peace or public safety, learned counsel contended that the reasons given in the impugned order are absolutely uncalled for. Learned counsel submitted that inference of licensing authority is based on whims and fancies and solely driven by petitioner's family background. He contended that regardless of the fact that neither any criminal case is pending against the petitioner nor has she indulged in any sort of the crime ever, the respondents have rejected the petitioner's request for grant of license.

19. Learned counsel invited Court's attention towards Rules 36 (4) and 37 of the Arms Rules, 2016 (hereinafter referred to as the 'Rules of 2016') and asserted that the petitioner an outstanding shooter is entitled to arms license in terms of Rule 36 and 37 ibid.

20. Mr. Ladrecha, learned Additional Advocate General submitted that the petitioner hails from a family of hardened criminals, who have indulged in a number of heinous offences. He submitted that if the license is issued to the petitioner-applicant, there is every likelihood that she would end up in criminal activities.



21. Learned Additional Advocate General was however not in a position to point out any previous incident which could substantiate State's apprehension.

22. Heard.

23. In order to find the reasons behind the rejection of petitioner's request for license, this Court read the entire order under consideration (dated 13.10.2022). This Court is shocked to find the apathy of the respondent No.2 - the petitioner, a renowned shooter, instead of being recognized by her own credentials and the qualities which she possesses, is being identified by her family background and being branded a 'pseudo criminal', simply because her father and uncle (Tauji) happened to be involved in various offences.

24. In the opinion of this Court while deciding rights of a citizen more particularly, in relation to issuance of license, going by the spirit of the act, own conduct and candidates' criminal antecedents alone are to be seen. The family history of the applicant, becomes absolutely irrelevant, more particularly, when the application is for license under sports quota.

25. This Court takes a serious exception to the observation made by the respondent No.2 and other authorities, who despite being cognizant of the fact that no case is pending against the applicant, have denied her legit right, simply because, her father and uncle have been dreaded criminals.

26. During the course of argument, Mr. Bishnoi submitted that weapon which the petitioner has purchased - Bretta 694 Trap with Adjustable Stock And Accessories is not a deadly weapon and it is



generally used for sports purposes. He iterated that the petitioner intends to use the weapon for sports purposes only.

27. A perusal of the order impugned dated 13.10.2022, reveals that the respondent No.2 has observed that petitioner's father, who is brother of Anand Pal is in jail and because of the rivalry between Anand Pal's gang and Raju Theth's gang, there can be a gang war. The finding of respondent No.2 and 3 reveals that if the license is given to the petitioner, there is every likelihood or strong probability that she would indulge in criminal activities.

28. In the opinion of this Court, the apprehension expressed by the District Magistrate, Nagaur is not only baseless but also uncalled for. Rules 36 and 37 of the Rules of 2016 clearly provide for grant of arms license to outstanding sports persons subject of course to a condition of furnishing a certificate by Indian National Rifle Association. The petitioner is undeniably an outstanding sports person.

29. The provisions relating to refusal of license are encapsulated in section 14 of the Act of 1959 which reads as under:-

"Refusal of licences.—(1) Notwithstanding anything in section 13, licensing authority shall refuse to grant-

(a) a licence under section 3, section 4 or section 5 where such licence is required in respect of any prohibited arms or prohibited ammunition;

(b) a licence in any other case under Chapter II,—

(i) where such licence is required by a person whom the licensing authority has reason to believe—

(1) to be prohibited by this Act or by any other law for the time being in force from acquiring, having in his possession or carrying any arms or ammunition; or

(2) to be of unsound mind; or



(3) to be for any reason unfit for a licence under this Act; or

(ii) **where the licensing authority deems it necessary for the security of the public peace or for public safety to refuse to grant such licence.**

(2) The licensing authority shall not refuse to grant any licence to any person merely on the ground that such person does not own or possess sufficient property.

(3) Where the licensing authority refuses to grant a licence to any person it shall record in writing the reasons for such refusal and furnish to that person on demand a brief statement of the same unless in any case the licensing authority is of the opinion that it will not be in the public interest to furnish such statement."

30. A perusal of sub-clause (ii) of clause (b) of sub-section (1) of section 14 of the Act of 1959 more particularly, word 'necessary' used therein suggests that the licensing authority shall refuse to grant license when he deems necessary so to do, that too for the security of the public peace or for public safety. The observations made by the respondents in the order impugned are firstly based on conjunctures and surmises – without there being any material and secondly, such apprehension cannot be construed to be a circumstance necessary to refuse to grant license. The expression 'deems it necessary' has different connotation and meaning than the usual expression – 'deems it appropriate or expedient'.

31. The language used by the Parliament suggests that the license shall be refused when the licensing authority considers it 'necessary' so to do. In absence of any criminal antecedent, it cannot be said that it is necessary to refuse license, when the petitioner a renowned shooter has asked for license under sports category.



32. According to this Court, taking part in sports is like an occupation maybe, for pleasure or fame. Hence, the impugned action on the part of the respondents is not only arbitrary but also impinges upon fundamental rights guaranteed to the petitioner under Article 19(1)(g) of the Constitution of India.

33. Denial of license to the petitioner amounts to infraction of her rights guaranteed under Article 14 of the Constitution of India also, as the petitioner has been discriminated solely on the ground of her family background.

34. The petitioner can neither be cursed for her father's culpability nor can the State tether her with her father's acts or crimes to continue all through her life, though she had no role to play.

35. The writ petition is therefore, allowed.

36. The impugned order dated 13.10.2022 is hereby quashed and set aside. The District Magistrate, Deedwana-Kuchaman is directed to issue a license to the petitioner (not provisional) in accordance with law within a period of ten days from today.

37. All interlocutory application so also stay petition stand disposed of.

(DINESH MEHTA),J

430-raksha/-