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WP-33062-2026

IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE MILIND RAMESH PHADKE

ON THE 13th OF AUGUST, 2026WRIT PETITION No. 33062 of 2026*JANDEL SINGH RAVAT**Versus**THE STATE OF MADHYA PRADESH AND OTHERS*

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Appearance:

Shri Lokendra Sharivastava - Advocate for the petitioner.

Smt. Monica Mishra - Govt. Advocate for the State.

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ORDER

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

"7.1 यह कि याचिकाकर्ता माननीय न्यायालय से प्रार्थना करता हैं कि याचिकाकर्ता की ओर से प्रस्तुत याचिका स्वीकार कर, रेसपोडेंट क्र. 2 द्वारा पारित आदेश दिनांक 13.04.2026 को निरस्त कर, याचिकाकर्ता का लायसेंस बहाल किये जाने हेतु रेसपोडेंट क्र. 2 को निर्देशित करने की कृपा की जावे।

7.3 यह कि उक्त सहायता के अलावा माननीय न्यायालय जो भी उचित सहायता उक्त प्रकरण की परिस्थितियों को देखते हुए याचिकाकर्ता के पक्ष में दिलाया जाना उचित समझे, दिलाये जाने का आदेश पारित करने की कृपा करें।"

Learned counsel for the petitioner submits that the petitioner is



aggrieved by the order dated 13.04.2026 passed by respondent No.2/Collector, District Datia, whereby the petitioner's arms licence has been suspended/cancelled on the basis of certain criminal cases registered against him. Learned counsel further submits that the impugned order has been passed without proper application of mind and without recording the requisite satisfaction contemplated under Section 17(3) of the Arms Act, 1959. It is further submitted that the authority has proceeded merely on the basis of pendency/registration of criminal cases and an apprehension of possible misuse of the licensed firearm, without recording any specific finding as to how continuation of the arms licence would be prejudicial to public peace or public safety. Learned counsel further submits that in two of the criminal cases relied upon by the respondents, there is no use of the firearm and apart from that there is no material demonstrating that the licensed firearm was ever used or misused by the petitioner or that the petitioner, after obtaining the licence, had indulged in any act endangering public peace or public safety. Reliance is placed on the order dated 07.07.2026 passed by this Court in Writ Petition No.25373 of 2026 (Padam Chand Gupta and Others Vs. State of Madhya Pradesh and Others).

Per contra, learned Government Advocate appearing for the respondents/State supports the impugned order.

Heard learned counsel for the parties and perused the material available on record.

Though under Section 18 of the Arms Act, 1959, there is a provision for appeal against the impugned order, since the order passed by the



Collector is alleged to have been passed in total derogation of the provisions of Section 17 of the Arms Act, 1959, and appears to have been passed without affording the petitioner an effective opportunity of hearing, thereby raising an issue of violation of the principles of natural justice, this Court deems it appropriate to entertain the present petition notwithstanding the availability of an alternative remedy of appeal under Section 18 of the Arms Act, 1959.

The controversy involved in the present petition is substantially covered by the order dated 07.07.2026 passed by this Court in Padam Chand Gupta and Others (supra).

In the aforesaid order, while considering the scope of Section 17(3)(b) of the Arms Act, 1959, this Court, after considering the earlier decisions in Abdul Saleem Vs. State of M.P. and Others, Gajendra Singh Vs. State of M.P. and Others and other judgments referred therein, held that only such acts which have the tendency to disturb public peace or endanger public safety would fall within the ambit of Section 17(3)(b) of the Arms Act, 1959.

This Court further held that where the licensing authority has not recorded any finding with regard to maintenance of public peace or public safety and there is no discussion regarding the conduct of the licence-holder indicating that he poses a threat to public peace or public safety, a mere assumption regarding possible misuse of the licensed firearm cannot be sustained. The Court also observed that an order which is cryptic, bereft of reasons and fails to satisfy the test of reasonableness cannot be sustained in law.



In the present case also, from a perusal of the impugned order dated 13.04.2026, it appears that the arms licence of the petitioner has been suspended/cancelled primarily on the basis of the criminal cases referred to in the police report and the apprehension of possible misuse of the licensed firearm.

However, the impugned order does not disclose any specific finding or adequate discussion demonstrating as to how the conduct of the petitioner, particularly after grant of the arms licence, has endangered or is likely to endanger public peace or public safety so as to attract the requirements of Section 17(3)(b) of the Arms Act, 1959.

It is also apparent from the pleadings that the petitioner was issued a show-cause notice dated 13.04.2026 granting him time to submit his explanation, whereas the impugned order suspending the arms licence was passed on the very same date. Thus, the petitioner has raised a specific grievance that an effective opportunity of hearing was not afforded to him before passing the impugned order.

The principles laid down by this Court in Padam Chand Gupta and Others (supra) are therefore applicable to the controversy involved in the present petition. At the same time, this Court is not required to adjudicate upon the factual allegations contained in the criminal cases or to express any opinion on the merits of those proceedings.

In view of the aforesaid, the impugned order dated 13.04.2026 passed by respondent No.2/Collector, District Datia, cannot be sustained in its present form. Accordingly, the present petition is allowed. The impugned



order dated 13.04.2026 passed by respondent No.2/Collector, District Datia, whereby the arms licence of the petitioner has been suspended/cancelled, is hereby set aside. The matter is remitted back to respondent No.2/Collector, District Datia, for fresh consideration of the petitioner's arms licence strictly in accordance with law.

While undertaking fresh consideration, respondent No.2 shall afford the petitioner a due and effective opportunity of hearing and shall consider the entire relevant material, including the status and nature of the criminal cases relied upon against the petitioner, the factum of their disposal, if any, the conduct of the petitioner after grant of the arms licence, and the existence or otherwise of any material having a bearing upon public peace or public safety. The competent authority shall record its independent and reasoned satisfaction in accordance with the requirements of Section 17 of the Arms Act, 1959, and shall not proceed merely on the basis of registration or pendency of a criminal case or on a bald apprehension of possible misuse of the licensed firearm.

The aforesaid exercise shall be completed expeditiously, preferably within a period of eight weeks from the date of receipt of a certified copy of this order.

It is made clear that this Court has not expressed any opinion on the merits of the criminal cases pending against the petitioner or on the ultimate entitlement of the petitioner to hold the arms licence. The competent authority shall take an independent decision on the basis of the material available before it and strictly in accordance with law.



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The petition stands **disposed of** in the aforesaid terms.

(MILIND RAMESH PHADKE)
JUDGE

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