2026:AHC:212175-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

SPECIAL APPEAL No. - 285 of 2021

Ram Milan

.....Appellant(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Appellant(s)	:	Mani Shanker Pandey
Counsel for Respondent(s)	:	C.S.C.

Court No. - 4

HON'BLE RAJAN ROY, J.
HON'BLE ARUN KUMAR, J.

1. Heard learned counsel for the appellant and learned Standing Counsel for the respondents State.

2. This is an appeal under Chapter VIII Rule 5 of the High Court Rules, 1952, challenging the judgment and order dated 5.10.2021 passed in Writ-C No. 24708 of 2021, by which the writ petition of the appellant challenging the orders dated 23.3.2021 and 24.8.2021 has been dismissed.

3. The facts of the case, in brief, are that the appellant claiming himself to be an Advocate applied for grant of arms licence. The police report was also in his favour but the licensing authority, who happens to be District Magistrate, Prayagraj, rejected the application on the ground that there was no grave threat to his life for issuance of such a licence. The writ Court did not find any error in the decision of the licensing authority nor that of the appellate authority.

4. Contention of the appellant's counsel is that there were two criminal cases lodged by him and the police report was also in his favour which itself is sufficient to prove that there was a grave threat to his life, which required protection, therefore, the grant of arms licence was necessary but the learned Single Judge has failed to appreciate this aspect of the matter.

5. We find the basis of the claim of the appellant for issuance of licence were the two criminal cases lodged by the appellant, one bearing Case

Crime No. 286 of 2017, under Sections 147, 323, 504, 506 IPC and 3(2)(va) SC/ST Act and another bearing Case Crime No. 108 of 2017, under Sections 323, 354, 504, 506 IPC and 3(1)(10) SC/ST Act.

6. On going reasons given by the licensing authority for declining the issuance of arms licence to the appellant, we find that there is no indefeasible right in a person to have an arms licence. Scope of judicial review in such matters is limited to seeing as to whether the reasons given are germane and are based on relevant material, the view taken is a possible view or not. We find that the licensing authority has given reasons for declining the issuance of arms licence and it cannot be said that the said decision suffers from any error. The licensing authority has opined that there is no grave threat to the life of the appellant, which is a satisfaction recorded by the licensing authority, with which we see no reason to interfere. We, therefore, do not find any error in the order of the writ Court.

7. However, learned counsel for the appellant states that even subsequent to the aforesaid FIRs, some other FIR have also been lodged by him.

8. We leave it open for appellant to apply for grant of arms licence afresh, if any subsequent cause has arisen subsequent to the impugned decision of the licensing authority.

9. The special appeal is, accordingly, **disposed of**.

(Arun Kumar,J.) (Rajan Roy,J.)

October 9, 2026
Anil

Digitally signed by :-
ANIL KUMAR PATEL
High Court of Judicature at Allahabad