

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 15819 of 2024**

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RAJENDRABHAI GANPATBHAI JOSHI
Versus
STATE OF GUJARAT & ANR.

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Appearance:

MR YASH G PATEL(9316) for the Petitioner(s) No. 1

MR VAIBHAV SHARMA AGP for the Respondent(s) No. 1,2

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CORAM:HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE

Date : 17/11/2025

ORAL ORDER

1. Rule, returnable forthwith. The matter is taken up for final disposal with the consent of the learned counsels for the parties.

2. By the present Special Civil Application, the petitioner impugns the order dated 29.07.2024, whereby the appeal of the petitioner is rejected on the ground that since the application for renewal of license has been filed by the learned Additional District Magistrate, Banaskantha, there is no provision for appeal under the Rules.

3. The learned counsel for the petitioner submits that the application for renewal of arms license in favour of the petitioner came to be filed by the learned Additional District Magistrate, Banaskantha. He submits that the said order rejects the application for renewal of arms license. He submits that the appeal is maintainable under the provisions of Section 18 of the Arms Act, 1956.

4. The learned AGP submits that in view of the criminal record and conviction of the petitioner, the learned Additional District Magistrate, Banaskantha has rightly filed the application for renewal of license. He submits that since the application has been filed and no order has been passed on merits, no appeal is maintainable under Section 18 of the Arms Act, 1956.

5. Heard the learned counsels for the parties and perused the documents on record.

6. A perusal of the order dated 12.04.2024 passed by the learned Additional District Magistrate, Banaskantha shows that the application of the petitioner for renewal of the arms license has been considered on merits and holds that the prayer of the petitioner is not reasonable in view of the orders passed by the Criminal Courts convicting him, therefore, the application of the petitioner has been treated as filed. In fact, the said order rejects the application of the petitioner for renewal of arms license. The appeal preferred by the petitioner was, therefore, maintainable under Section 18 of the Arms Act, 1956. The Appellate Authority has wrongly rejected the appeal stating that there is no provision to challenge the order, whereby the application has been filed. But, in the present case, the application of the petitioner has been rejected on merits. In view thereof, the impugned order dated 29.07.2024 is quashed and set aside. The Appellate Authority is directed to hear the appeal of the petitioner after giving due and effective hearing to the petitioner and decide the said appeal within a period of eight weeks on its own merits and in accordance with law.

7. It is made clear that this Court has not gone into the merits of the case and no opinion is expressed thereon.

8. Rule is made absolute to the aforesaid extent. The Special Civil Application is disposed of accordingly.

(ANIRUDDHA P. MAYEE, J.)

cmk

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: CHANDRASHEKHAR MAHESHKUMAR KOSHTI(HC01066), Principal Pvt. Secretary, at High Court of Gujarat on 18/11/2025 15:25:36