



2026:AHC-LKO:17842

**HIGH COURT OF JUDICATURE AT ALLAHABAD [AFR]
LUCKNOW**

WRIT - C No. - 33294 of 2019

Dr. Kapeesh Kumar Srivastava

.....Petitioner(s)

Versus

State Of U.P. Thru Prin.Secy. Home Lucknow
And Another

.....Respondent(s)

Counsel for Petitioner(s)	:	Manish Singh Chauhan
Counsel for Respondent(s)	:	C.S.C.

Court No. - 4

HON'BLE IRSHAD ALI, J.

1. Heard learned counsel for the petitioner and Shri S.G. Singh, learned Standing Counsel appearing for the respondents-State.

2. By means of the present writ petition, the petitioner is challenging order dated 13.10.2019 passed by the District Magistrate, Barabanki, opposite party no.2, contained as Annexure No.1 to the writ petition.

3. Factual matrix of the case is that the petitioner applied for arm licence of Revolver/ Pistol on 1.9.2011 by completing all formalities. The police reports as well as report of Tehsil authorities were submitted in favour of the petitioner. When the arm licence of the petitioner was not granted the petitioner made an application to the District Magistrate, Barabanki but no decision was taken.

Petitioner preferred a Writ Petition No.10007 (M/S) of 2018, which was disposed of by this Hon'ble Court vide order dated 9.4.2018 with an expectation with the District Magistrate, Barabanki to consider and take a decision on the application of the petitioner for grant of arms licence expeditiously. The District Magistrate, Barabanki vide order dated 25.8.2018 rejected the application of the petitioner.

Petitioner submitted detailed representation dated 4.9.2018

before the District Magistrate, Barabanki which was rejected vide order dated 19.10.2018 without considering the same on the false pretext that the petitioner may approach the appellate authority against the order dated 25.8.2018.

Petitioner filed an appeal No.2325 of 2018 before the Commissioner, Ayodhya Division, Ayodhya under Section 18 of the Arms Act. Both the orders were set aside vide order dated 14.2.2019 and remanded the matter with a direction to take a decision on merit in accordance with new Arms Rules, 2016.

Despite, the matter was remanded by the Appellate Authority, no decision was being taken by the opposite party no.2, then the petitioner filed a Writ Petition No.9848 (M/S) of 2019. This Hon'ble Court vide its order dated 9.4.2019 disposed of the writ petition with a direction to the District Magistrate to decide the aforesaid case as expeditiously as possible, say within a period of four months.

Petitioner lodged a First Information Report No.0537/2019 under Section 387 I.P.C. at Police Station Kotwali, District Barabanki against one Jang Bahadur Patel, who was demanding ransom from the petitioner, in which the charge-sheet under Section 387/507 I.P.C. was submitted on 1.9.2019. Against the petitioner, one Vinay Kumar Dwivedi lodged a First Information Report No.904/2018 u/s 295/295A/298 I.P.C. at Police Station Kotwali, District Barabanki. the matter was investigated and the final report was submitted and the same was accepted by the Court.

Superintendent of Police, Barabanki vide police report dated 8.8.2019 did not recommend the arm licence, in the meantime the licence of the petitioner's diagnostic centre was cancelled on the complaint of Jang Bahadur Singh vide order dated 26.9.2019, against which the petitioner filed Writ Petition No.28483 (M/B) of 2019, Dr. Kapeesh Kumar Srivastava v. State of U.P. and others which was dismissed on the ground of alternative remedy. The petitioner preferred an appeal which is still pending.

4. Submission of learned counsel for the petitioner is that the order impugned has been passed without any rational justification cancelling the application of the petitioner for the grant of arm licence to him.

5. Learned counsel for the petitioner next submits that there is no valid justification on the part of the District Magistrate, Barabanki not to grant arm licence to the petitioner and in the circumstance, submission of the learned counsel for the petitioner is that the petitioner has been deprived to protect his self-defense by not providing arm licence to him without any cause.

5. On the other hand, Shri S.G. Singh, learned Standing Counsel submits that the District Magistrate, on the basis of report submitted, did not find the petitioner to be eligible for the grant of arm licence

6. Learned Standing Counsel next submits that against the order of the District Magistrate, an appeal lies before the Commissioner under Section 18 of the Arms Act and therefore, the writ petition is liable to be set aside on the ground of availability of alternative remedy of filing an appeal before the Commissioner.

7. Having heard the rival submissions of learned counsel for the parties, I have perused the material available on record.

8. For deciding the controversy involved in the present case, Section 18 of the Arms Act is being quoted here-in-below:

"18. Appeals.—(1) Any person aggrieved by an order of the licensing authority refusing to grant a licence or varying the conditions of a licence or by an order of the licensing authority or the authority to whom the licensing authority is subordinate, suspending or revoking a licence may prefer an appeal against that order to such authority (hereinafter referred to as the appellate authority) and within such period as may be prescribed:

Provided that no appeal shall lie against any order made by, or

under the direction of, the Government.

(2) No appeal shall be admitted if it is preferred after the expiry of the period prescribed therefor:

Provided that an appeal may be admitted after the expiry of the period prescribed therefor if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within that period.

(3) The period prescribed for an appeal shall be computed in accordance with the provisions of the Indian Limitation Act, 1908 (9 of 1908), with respect to the computation of periods of limitation thereunder.

(4) Every appeal under this section shall be made by a petition in writing and shall be accompanied by a brief statement of the reasons for the order appealed against where such statement has been furnished to the appellant and by such fee as may be prescribed.

(5) In disposing of an appeal the appellate authority shall follow such procedure as may be prescribed:

Provided that no appeal shall be disposed of unless the appellant has been given a reasonable opportunity of being heard.

(6) The order appealed against shall, unless the appellate authority conditionally or unconditionally directs otherwise, be in force pending the disposal of the appeal against such order.

(7) Every order of the appellate authority confirming, modifying or reversing the order appealed against shall be final."

9. On bare perusal of Section 18 of the Arms Act, it is evident that against cancellation of application of arm licence, an appeal lies before the Commissioner. In view of the availability of alternative remedy to file an appeal against the order impugned this writ petition is not entertainable in the eyes of law.

10. Considering in totalities of facts and circumstance of the case, this writ petition is **dismissed** with liberty to the petitioner to file an appeal before the Commissioner against the order of the District Magistrate. The Commissioner is however directed to decide the appeal of the petitioner, expeditiously, in case he files within a period of six months from the date of production of a certified copy of this order.

March 11, 2026

GK Sinha

(Irshad Ali,J.)