

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11474 of 2000

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Md. Saroor son of Sri Nakhdum Hussain, permanent resident of village Mazharui
Haque Nagar, P.S. Siwan town District Siwan.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Siwan.
3. The Sub-divisional Magistrate, Sadar Sub-division, Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. MANU SHANKER MISHRA
Mr. Rajani Kant Mishra

For the Respondent/s : Mr. (GP1)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 19-03-2015

Heard learned counsel for the petitioner and the State.

In this case, petitioner is challenging the order of the District Magistrate, Siwan dated 30th May 2000 whereby and whereunder the Collector has refused to restore the licence of the petitioner.

From the record it appears that the petitioner has obtained the licence for rifle from Nagaland showing his residence within the territory of Nagaland. On account of Lok Sabha Election in 1998 to maintain law and order, the petitioner and other similarly situated persons were asked to deposit their arms whereupon the petitioner deposited his rifle and after closure of the election, petitioner wanted release of his rifle which was refused.



Petitioner filed CWJC No. 5998 of 1998 and this Court vide order dated 1st November 1999 disposed of the writ petition with a direction to the Collector to pass order in accordance with law whereupon a proceeding under the Arms Act was initiated. There the petitioner placed his case while his stay, he obtained the licence of rifle from the State Government, Nagaland but he could not satisfy for what purpose he had gone to Nagaland, the District Magistrate has arrived to a conclusion that the authority at Nagaland without making proper verification wrongly granted licence, did not release the arms of the petitioner, held issuance of licence is completely illegal and the same is under challenge before this Court.

Challenge has been made that the Collector has wrongly refused to release the licence when the petitioner had filed proper application for licence in the State of Nagaland and there, after approval from the Government, licence was granted and when there is no allegation against petitioner being involved in any criminal case or any adverse report has been furnished against him there is no justification for the District Magistrate to refuse to release the rifle along with the licence.

In the order of the District Magistrate, he has recorded that the petitioner could not explain the purpose of his

stay in Nagaland and has also recorded that the petitioner is permanent resident of Siwan district in the State of Bihar.

This Court is of the view that in the writ petition petitioner has also made a vague statement about his stay in the State of Nagaland, without giving details of purpose of stay.

This Court does not want to exercise its jurisdiction in favour of petitioner as the necessary facts required for issuance of licence have not been mentioned even in the writ petition, in such view of the matter, this petition is dismissed.

However, liberty is given to the petitioner that he may file a fresh application before the appropriate authority and after proper verification, if it would be found that the petitioner is entitled to arms licence, certainly it goes without saying that he would be given the licence after following the procedure of law and that should be completed within six months from the date of filing of his application.

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(Shivaji Pandey, J)