

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4257 of 2014

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Md. Ali Imam, son of Md. Wasi, resident of Mohalla - Bihari Sao Lane, Ashok Raj Path, P.S. - Pirbahore, District – Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar.
2. The Divisional Commissioner, Patna Division, Patna.
3. The District Magistrate, Patna.
4. The Senior Superintendent of Police, Patna.
5. The Arms Magistrate, Patna.
6. The Dy. S.P. Sultanganj, Patna City, Patna.
7. The S.D.P.O. Patna City, Patna.
8. The Officer-in-Charge, Sultanganj Police Station, Patna.
9. The Officer-in-Charge, Pirbahore Police Station, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kr Singh No.1

For the Respondent/s : Mr. Sanjeev Kumar, AC to SC-12

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 08-01-2015

A counter affidavit has been filed. Let it be kept on record.

Heard Mr. Ajay Kumar Singh No.1 for the petitioner and Mr. Sanjeev Kumar, learned Assisting Counsel to Standing Counsel No.12 for the State.

The petitioner is aggrieved by the order passed by the District Magistrate, Patna bearing Memo no.4097 dated 18.10.2013, whereby the District Magistrate in the capacity of the Licensing Authority under the Arms Act, 1959 (hereinafter referred to as ‘the Act’) and the Rules framed thereunder has been pleased to reject the application of the petitioner for grant of revolver licence inter alia on grounds that the petitioner already possesses a licence in respect of a N.P. Bore Rifle and that

neither the Senior Superintendent of Police, Patna has given any recommendation for a second licence nor the petitioner has given any substantive reason for a second licence.

Be that as it may, taking into consideration that an order rejecting grant of licence is appealable under section 18 of 'the Act' read with rule 55 of the Rules framed thereunder before the Commissioner of the Division, in the opinion of this Court, the petitioner should first exhaust the alternative remedy of appeal so available to him under 'the Act' and the Rules framed thereunder.

This writ petition is accordingly disposed of with the liberty aforementioned.

It goes without saying that any such appeal being preferred by the petitioner within four weeks from today before the appellate authority i.e. the Commissioner, Patna Division, Patna and if accompanied with a petition for condonation of delay be considered and disposed of by the appellate authority on its own merit and after giving opportunity of hearing to the petitioner bearing in mind the pendency of the issue before this Court.

(Jyoti Saran, J)

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