

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7378 of 2015

=====

Rohan Kunal, S/o- Late Uday Shankar Prasad, Resident of Mohalla- Varaangana,
Mogalpur, P.S. Khajekallan, District- Patna

.... Petitioner

Versus

1. The State of Bihar through Home Secretary, Govt. of Bihar.
2. District Magistrate, Patna
3. District Arms Magistrate, Patna.
4. Additional District Magistrate (Arms), Patna.
5. Sr. Superintendent of Police, Patna
6. S.H.O. Khajekallan P.S. Patna.
7. Divisional Commissioner, Patna.

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Deepak Kumar, Advocate
Ms Manisha Pandey, Advocate
Mr. Vishwa Nath Pandey, Advocate
For the State : Mr. Abinash Kumar Sinha, AC to GP29

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 28-09-2015

I.A. No. 6941 of 2015

This Interlocutory Application has been filed seeking amendment in the writ application as the petitioner wants to challenge the order dated 30.06.2015 passed by the District Magistrate-cum-Licensing Authority, Patna rejecting the application of the petitioner for grant of arms licence for SBBL/DBBL gun.

In view of the fact that the writ application was filed for a direction to the District Magistrate-cum-Licensing Authority, Patna to take a final decision for grant of arms licence to the petitioner and



during the pendency of the same, the final order came to be passed by the licensing authority, the Interlocutory Application is allowed. Let the relief mentioned in paragraph no. 1 of the Interlocutory Application and the statement made in support thereof, form part of the writ application.

C.W.J.C. No. 7378 of 2015

Heard learned counsel for the parties.

In view of the nature of the proposed order, the writ petition is being considered on merit without granting time to the State for filing of a counter affidavit.

The petitioner has challenged the order passed by the licensing authority contained in Annexure 4 to the supplementary affidavit on the ground that refusal of licence on the ground of lack of any specific documentary or any other evidence in support of any threat perception upon the petitioner.

It is contended that the matter is covered by a decision of this Court rendered in C.W.J.C. No. 18535 of 2011(Manish Kumar v. State of Bihar and others) and other analogous matters.

Accordingly, this writ application stands allowed in terms thereof. The impugned order is quashed and set aside and the matter is remitted back to the District Magistrate-cum-Licensing Authority, Patna, respondent no. 2, for taking a decision in

accordance with law and also considering the “Family Heirloom Policy” as the petitioner contends that his father was in possession of a gun under valid licence, however, after his death the gun was deposited with the Arms Dealer and the petitioner wants to retain that. It is expected that a final decision would be taken in the matter within four months from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

SC/-

U			
---	--	--	--