

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.213 of 2015

=====

Padmesh Upadhaya, son of Late Ravindra Nath Upadhaya, R/o Village +
P.O- Sukarwaliya, P.S- Itarhi, District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, Buxar.
2. The Collector, Buxar.
3. The District Arms Magistrate, Buxar.
4. The Superintendent of Police, Buxar,
5. The Officer - in - Charge, Itadhi Police Station, Buxar.
6. Anju Kumari, wife of Suman Shukla, R/o Village - Chhatanwar, P.S -
Krishna Brahmpur, District - Buxar.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Kritya Nand Jha

For the Respondent/s : Mr. Alok Kumar Rahi, AC to AAG-2

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 12-02-2015

Learned counsel for the parties are present.

The petitioner is aggrieved by the order bearing
Memo no.091496 dated 18.4.2012 of the District Arms
Magistrate, Buxar, whereby a notice has been issued in the name
of Ravindra Upadhyay requiring him to produce the fire arm for
physical verification, failing which the licence would be
cancelled.

It is the contention of the petitioner that Revindra
Upadhyay happens to be his father and who died on 16.7.2011
and whereafter the fire-arm in question is in possession of
respondent no.6 who happens to be his sister, namely, Anju
Kumari, wife of Suman Shukla, resident of Village-
Chhatanwan, P.S.- Krishna Brahmpur, District- Buxar. It is in

these circumstances and in the backdrop of the notice that the present writ petition has been filed requiring a direction to the respondents to recover the licenced firearm from respondent no.6.

A counter affidavit has been filed on behalf of the State reiterating the position and Mr. Alok Kumar Rahi, learned Assisting Counsel to Additional Advocate General No.2 submits that since the factum that the licensee Ravindra Upadhyay has deceased, was not known to the statutory authority hence such notice had been issued in his name.

Having heard learned counsel for the parties and taking note of the nature of grievance this writ petition is disposed of with a direction to the petitioner to apprise the District Magistrate, Buxar about the factual position and who would consider and dispose of the matter in accordance with law and after hearing the relevant parties including the respondent no.6 who, according to the petitioner is stated to be in possession of the fire-arm in question.

(Jyoti Saran, J)

SKPathak/-

U			
---	--	--	--