

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19213 of 2011

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1. Mohammad Naseem, S/O Late Abdul Sakoor
2. Mohammad Saleem Raza, S/O Mohammad Naseem
Both are Residents of Milan Shadi Card, P.O.- Dariapur Bari Path, Behind
Patna Collegiate School, P.S. - Pirbahore, Distt.- Patna

.... Petitioners

Versus

1. The State of Bihar , through the District Magistrate Patna
2. The Commissioner, Patna Division, Patna
3. The District Magistrate, Sadar Patna, Patna
4. The Superintendent of Police, Patna Sadar, Patna

.... Respondents

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Appearance :

For the Petitioners : M/s. Diwakar Prasad Singh,
Hemant Kumar Sharan, Advocates
For the State : Ms. Ratna Kumari, A.C. to S.C. 13

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 03-08-2015 Heard learned counsel for the petitioners and the

State.

Petitioners, in view of threat perception, had applied for grant of licence of pistol. However, their applications have been rejected by the District Magistrate, Patna on the ground that the police verification report could not reach the office of the District Magistrate. A copy of the order has been appended as Annexure B. However, the petitioners were directed to file another applications along with fresh facts. Thereafter, the petitioners again filed applications and the Senior Superintendent of Police, Patna had forwarded his recommendation to the licensing

authority for grant of arms licence but no decision has been taken till date as per the claim of the petitioners.

Learned counsel appearing for the State submits that the petitioners have not challenged the order dated 21.10.2009 passed by the District Magistrate and, as such, he cannot take shelter of the ground that the order was not a reasoned one.

I do not find force in the submission raised on behalf of the State. It is apparent from the order that the same was unreasoned and without waiting for the report of the police the applications were rejected and, surprisingly, the petitioners were directed to file fresh applications. If the applications of the petitioners were rejected then where was the question for allowing them to file fresh applications on fresh ground. The petitioners have already stated that there was threat upon them as miscreants had opened fire but it could not hit them rather another person was killed and Pirbahore P.S. Case No.218 of 2008 was lodged in that connection. These facts cannot be changed then how new petition setting out the new facts can be filed is intriguing. Accordingly, I direct the District Magistrate, Patna to take a decision in the matter of the petitioners immediately preferably within eight weeks from the date of receipt/production of a copy of this order. It is made clear that since the earlier order was unreasoned, unspeaking and

without consideration of the police report, that should not be made a ground for rejection of the subsequent applications. The grounds enumerated in the earlier application would also be available to the petitioners for consideration for grant of licence.

(Dr. Ravi Ranjan, J)

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