

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8894 of 2014

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Shad Ahmad, son of Late Nasim Ahmad, resident of Hospital Road, Ward
No. 6, P.O. and P.S.- Forbesganj, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar,
Patna.
2. The Divisional Commissioner, Saharsa Division, Saharsa.
3. The District Magistrate, Araria.
4. The Arms Magistrate, Araria.
5. The Superintendent of Police, Araria.
6. Deputy Superintendent of Police, Forbesganj, Araria.

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mr. Deepak Kumar, AC to SC-21

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 03-02-2015 Heard Mr. Ajay Kumar Singh No.1, learned counsel

appearing on behalf of the petitioner and Mr. Deepak Kumar,

learned Assisting Counsel to Standing Counsel No.21 for the

State.

The writ petition has been filed seeking a direction in

the nature of mandamus commanding the respondent District

Magistrate, Araria for grant of arms licence to the petitioner

under the provisions of Arms Act, 1959 and the Rules framed

thereunder for which an application is stated to have been filed

on 21.2.2011.

A counter affidavit has been filed on behalf of the

District Magistrate, Araria and who while enclosing the



application form of the petitioner has stated that the petitioner has not put his signature on the declaration form which is a part of the application of licence placed at Annexure-A to the counter affidavit and on which ground the application has been rejected by the District Magistrate, Araria vide order passed on 23.1.2015.

In view of the circumstances explained, no direction need be issued in the present application. However, taking note of the fact that the application of the petitioner has not been rejected by the District Magistrate, Araria on merits but on grounds of procedural lapse occurring in the application form, I deem it proper to hold that the rejection order dated 23.1.2015 passed by the District Magistrate, Araria would not preclude the petitioner from filing a fresh application in proper form and complete in all respects for consideration by the District Magistrate, Araria afresh and its disposal in accordance with law and on its own merits.

With the observations aforementioned, this writ petition is disposed of.

(Jyoti Saran, J)

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