

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1363 of 2014

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Shiv Narayan Singh S/O Late Ram Pravesh Singh Resident Of Village- Dewarhi,
P.S- Basantpur, P.O- Ara, District- Bhojpur, Serving The State Of Bihar On The
Post Of Constable.

.... Petitioner

Versus

1. The State Of Bihar
2. District Magistrate, District- Gaya.

.... Respondents

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Appearance :

For the Petitioner : M/s Mahesh Prasad Singh and
Chandra Has Mishra, Advocates
For the State Mr. Kritya Nanad Jha, A.C. to S.C. 29

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 01-12-2015

I.A. No. 9319 of 2015:

The petitioner is permitted to make necessary correction in the index as well as Annexure concerned in course of the day as it appears that there is apparent error in numbering it.

Heard learned counsel for the petitioner and the State.

This Interlocutory Application has been filed for amendment in the writ application as the petitioner wants to challenge the order dated 27.01.2014 passed by the District Magistrate-cum-Licensing Authority, Gaya, contained in Annexure 9, by which his application for grant of arms licence has been rejected during the pendency of this writ application.

In view of the aforesaid, this Interlocutory Application

stands allowed. The petitioner is permitted to assail Annexure 9 appended with this Interlocutory Application.

C.W.J.C. No.1363 of 2014:

Heard learned counsel for the petitioner and the State.

In view of the nature of the order contained in Annexure 9 and the proposed order which is to be passed in the present writ petition, the same is being considered and disposed of without granting further opportunity to learned counsel for the State for filing counter affidavit.

The petitioner seeks quashing of the order dated 27.01.2014 passed by the District Magistrate-cum-Licensing Authority, Gaya, contained in Annexure 9, by which his application for grant of arms licence has been rejected by the licensing authority.

Learned counsel for the State submitted that the petitioner should be relegated to the appellate authority as there is provision for filing statutory appeal against any order passed under section 14 of the Arms Act, 1959(hereinafter referred to as “the Act”) if someone is aggrieved by the order of the licensing authority.

However, in view of the fact that the issue is no longer *res integra* as the same has already been considered and decided by this Court in **Manish Kumar v. The State of Bihar and others and other analogous cases(2015(4) Patna Law Journal Reports 212)**

and, as such, there would be no reason for relegating the matter to the appellate forum.

From perusal of the impugned order, it appears that the refusal is on the ground that the petitioner has not been able to come up with specific evidence regarding threat perception upon him. This Court in **Manish Kumar(supra)** has already held that the aforesaid does not form a ground for refusal of licence under section 14 of the Act.

Accordingly, this writ application succeeds. The order impugned is quashed and set aside and the matter is remitted back to the District Magistrate-cum-Licensing Authority, Gaya for taking fresh decision in the matter in accordance with law within a period of two months from the date of receipt/production of a copy of this order and while doing so he/she would be obliged to consider the aforesaid decision of this Court rendered in **Manish Kumar (supra)**.

(Dr. Ravi Ranjan, J)

SC/-

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