

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1563 of 2012

IN

Civil Writ Jurisdiction Case No. 11814 of 2007

- =====
1. Balmukund Singh, Son of Late Indradeo Narayan Singh
 2. Sitanandan Singh, Son of Late Indradeo Narayan Singh
- Both residents of Parsama, P.S. Jamalpur District Darbhanga

.... Appellant/s

Versus

1. The State of Bihar
2. The Commissioner, Darbhanga Division, Darbhanga
3. The District Magistrate-Cum-Collector, Darbhanga, District Darbhanga
4. The Superintendent of Police, Darbhanga
5. The District Arms Magistrate (District Arms Office) Darbhanga, District-Darbhang
6. The Sub-Divisional Officer, Biraul, District Darbhanga
7. The Sub-Divisional Police Officer, Biraul, District Darbhanga
8. The Officer-in-Charge, Jamalpur, District Darbhanga
9. Sunil Kumar Singh, Son of Late Bhupendra Singh, Resident of Village Parsama, P.S. Jamalpur, District Darbhanga

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Anil Kumar Mukund, Advocate

For the Respondent/s : Mr. Sunil Kumar, AC to AAG-6

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

and

HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE V.N. SINHA)

Date: 16-07-2015

Heard learned counsel for the appellants.

2. This appeal has been filed assailing the order dated 14.08.2012, passed in C.W.J.C. No. 11814 of 2007 whereunder the writ petition has been dismissed holding that the appellate order passed by Divisional Commissioner, Darbhanga in Arms Appeal Case No. 32/2005-06, Annexure-5 to the writ petition is in accordance with

law as thereunder DBBL gun licence of Kedar Singh has been transferred to one Sunil Kumar Singh treating him to be his adopted son. Such order was assailed before the Writ Court on the ground that Sunil Kumar Singh is not the adopted son of Kedar Singh as he was born through Shail Devi, who was not legally married to Kedar Singh. For such declaration Title Suit No. 20 of 2001 was filed and the said submission was noted under order dated 02.07.2006. Further perusal of order dated 02.07.2006 indicates that the said issue has not been finally decided and kept pending to be decided in the suit.

3. In the circumstances, the submission made at the Bar assailing the finding of the learned Divisional Commissioner in the impugned order granting licence to Sunil Kumar Singh is wholly premature and the appeal is dismissed with liberty to the appellants to approach the Divisional Commissioner, Darbhanga as and when such declaration is obtained by the appellants from the competent civil court.

(V.N. Sinha, J)

(Jitendra Mohan Sharma, J)

Rajesh/-

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