

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12695 of 2015

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Satyendra Kumar, son of Shardanand Singh, resident of Jamunaji Ka Math, nai Sarak, Police Station Chowk, Patna City and Town and District Patna

.... Petitioner

Versus

1. The State of Bihar through the District Magistrate, Patna
2. Divisional Commissioner, Patna Division, Patna
3. District Magistrate, District, Patna

.... Respondents

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Appearance :

For the Petitioner : Ms. Manisha Pandey, Advocate

For the State : Mr. Manoj Kumar, AC to SC 13

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 06-10-2015

I.A. No. 8251/2015

This interlocutory application has been filed for challenging the order dated 4.6.2015 / 4.8.2015 passed in Arms Appeal No. 541 of 2013 by the Commissioner, Patna Division, Patna dismissing the appeal filed by the petitioner and upholding the order dated 27.5.2013 passed by the licensing authority and also for quashing the order dated 27.5.2013 passed by the District Magistrate – cum – licensing authority, Patna rejecting the petitioner's application for grant of arms licence for N.P. Bore revolver / pistol.

Though the aforesaid orders has been appended as Annexure 2 but it is contended that by mistake the same could not be specifically challenged in the writ application.

Having regards to the facts and circumstances of the case interlocutory application stands allowed as the order dated

27.5.2013 already stands appended as Annexure 2 in the writ application. Petitioner is also allowed to challenge the appellate order which has been passed during pendency of the writ application.

C.W.J.C. No. 12695/2015

In view of the nature of the order which is proposed to be passed in this case, the same is being disposed of by this order without waiting for filing of counter affidavit.

Learned counsel for the petitioner raises sole issue that the impugned order as contained in Annexure 2 has been passed by the respondent no. 3 on the ground that neither any specific documentary evidence could be produced by the petitioner regarding threat perception nor is it apparent from the police report. However, in my opinion the same cannot form a ground for refusal of licence in view of decision of this Court rendered in **C.W.J.C. No. 18535 of 2011 (Manish Kumar Vrs. State of Bihar) and other analogous matters** disposed of on 11.08.2015.

Accordingly, the writ application stands allowed and both the orders impugned are quashed and set aside.

However, the matter is remitted back to the licensing authority concerned to pass a fresh order in accordance with law within a period of four months from the date of receipt/production of a copy of this order.

It is made clear that only ground taken for refusal of the licence in the impugned order appears to be lack of specific evidence regarding threat perception, therefore, if nothing has happened subsequent to passing of the order impugned disentitling the petitioner from holding licence, he would be entitled for grant of licence. However, the authority concerned would also have liberty to consider any material which was required to be considered on earlier occasion but the same could not be done for any reason whatsoever.

(Dr. Ravi Ranjan, J)

Spd/-

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