

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 14948 of 2016

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Ram Kumar S/o Ram Vindo Singh resident of Village- Baikatpur,
Duani Tola, P.O. Baikatpur, P.S.- Khusrupur, District- Patna.

.... Petitioner.

Versus

1. The State of Bihar.
2. The District Magistrate, Patna.
3. The District Arms Magistrate, Patna.

.... Respondents.

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Appearance :

For the Petitioner : Mr. Sanjay Kumar Tiwari, Adv.

For the Respondents: Mr. Prabhat Kumar Verma-AAG3

: Dr. Anand Kumar, AC to AAG-3.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT

Date: 20-12-2016

Heard parties and perused the records including the
original records which have been produced for perusal.

The petitioner has filed this writ petition for a direction
to the District Magistrate-cum-Licensing Authority, Patna for grant
of firearm licence upon which, according to him, no decision was
taken though an application was made in the year 2009 itself.

However, counter affidavit has been filed stating therein
that a decision was already taken by the licensing authority vide
order dated 03.11.2011 by which his application was rejected and
the same was communicated to the petitioner on 14.10.2016. On
such assertion having been made a copy of note-sheet has been



appended as Annexure-D to the counter affidavit.

A direction was given by this Court to the District Magistrate, Patna to produce the original records of the case through the counsel. Records have been produced which do not bear any reasoned order passed by licensing authority dated 03.11.2011. It appears from the order that note-sheet was forwarded by the District Arms Magistrate, Patna on 17.10.2011 addressed to the Additional Collector, Patna for rejection of his application and on the proposed report the District Magistrate has simply put his signature.

In my view, such order cannot be sustained in law as the statute is quite clear that the licensing authority has to apply its own mind either for grant or refusal of licence under Section 13 of the Arms Act, 1959 and, as such, it has to be held to be arbitrary in nature as practically there is no order passed by the District Magistrate applying his mind.

As a result, the earlier order passed by the licensing authority is quashed and set aside. The matter is remitted back to the licensing authority for taking a fresh decision after granting an opportunity of hearing to the petitioner.

It is expected that such decision would be taken within a period of four months from the date of receipt/production of a copy



of this order.

The original records are returned to the learned counsel
for the State.

Accordingly, this writ petition stand allowed.

(Dr. Ravi Ranjan, J.)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.03.2017
Transmission Date	NA

