

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17978 of 2015

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Rajendra Prasad, S/o Late Shiv Tahal Mahto, Resident of Village- Bela,
P.S.- Halsi, District- Lakhisarai.

.... Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate, Lakhisarai
3. The Arms Magistrate, Lakhisarai
4. The Officer In-charge, P.S.- Halsi, District- Lakhisarai.

.... Respondents

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Appearance :

For the Petitioner : M/s. Ajay Kumar Singh,
Vijay Kumar, Advocates

For the State : Mr. Sudhir Kumar, A.C. to A.A.G.. 2

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

6 28-03-2016

I.A. No.1381 of 2016:

Heard.

This interlocutory application has been filed by the petitioner for amendment in the writ petition by introducing another relief mentioned in paragraph no.1 of the aforesaid interlocutory application for quashing of the order dated 01.07.2015 passed by the District Magistrate, Lakhisarai by which his licence for DBBL gun has been cancelled for non-submission of NDAL form.

Initially, the writ petition was filed for a direction to the respondents to release the DBBL gun after renewing his licence no.11/1975 which was lying in Halsi Police Station since

the year 2010 with a request for renewal of the licence but no order could be passed. Then this writ petition came to be filed by the petitioner.

In the counter affidavit filed on behalf of the State authorities, a stand has been taken that that petitioner's licence along with others have been cancelled for non-supply of NDAL form during the pendency of the writ petition. Now the petitioner wants to challenge the same as even before filing of the writ petition the petitioner claims that it was never served upon him.

In the aforementioned facts and circumstances, the I.A. No.1381 of 2016 is allowed.

Let the relief mentioned in paragraph no.1 and other statement made in support of the claim form part of the writ petition.

C.W.J.C. No.17978 of 2015:

Heard the parties.

A counter affidavit has been filed on behalf of the State stating that the petitioner did not submit dully filled up NDAL form despite notice issued upon him which the petitioner denies to having received such form.

Be that as it may, there is no answer in the counter affidavit as to why the issue of renewal of licence of the petitioner

was kept pending since the year 2010. However, the petitioner should have also submitted the NDAL form which was required. He has not submitted that but at the same time it is admitted position that date of submission of such form has been extended till 31.03.2016 and other persons, who did not submit the form, have been given opportunity to submit till 31.03.2016 but in the case of the petitioner and few others licences have been cancelled vide Annexure F dated 01.07.2015 itself.

Accordingly, in view of the fact that subsequent date of submission of NDAL form has been extended till 31.03.2016 the order impugned as against the petitioner is quashed and set aside. Let the petitioner submit the NDAL form by 31.03.2016 which should be accepted by the licensing authority. On submission of such form, let the licensing authority proceed to take up the case of renewal of the licence of the petitioner and if the same is renewed then the firearm of the petitioner should be released immediately.

This writ application stands allowed.

Sanjay-II/-

(Dr. Ravi Ranjan, J)

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