

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1935 of 2012

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M/S United Small Arms Corporation, Monghyr Through Proprietor, Brij
Bihari Sharma S/O Chandrika Prasad Sharma R/O Mohalla- Bakepur, P.S.-
Kotwali, District- Monghyr

.... Appellant

Versus

1. The State Of Bihar, Through Secretary, Government Of Bihar,
Department Of Home, Patna
2. Commissioner, Monghyr Commissionary, Monghyr
3. District Magistrate/Collector, Monghyr

.... Respondents

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Appearance :

For the Appellant : Mr. Pramod Kumar Singh, Advocate

For the Respondents : Mr. Rajeev Kr. Singh, GP 2

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
and
HONOURABLE MR. JUSTICE NAVANITI PRASAD
SINGH

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

5 03-03-2016 The challenge in the present Letters Patent Appeal
is to an order dated 19th September, 2012, passed by the
learned Single Judge in CWJC No. 1610 of 2011, whereby the
claim of the appellant for renewal of arm licence was not
interfered with.

The appellant was granted a dealership of arm
licence but on 19th March, 2010 the licensing authority
refused to renew the same. An appeal against the said order
was dismissed as well on 23rd August, 2010. It was noticed
that the renewal application along with renewal fee was
received only on 15th May, 2010, i.e., after the order was
passed by the licensing authority refusing to renew the
licence. Thus, it was found that the appellant did not file

renewal application even after the matter was remanded to the licensing authority vide order dated 10th June, 2009.

The fact is that the appellant has applied for renewal of licence. As per the State, such renewal application has been filed after the licence was revoked. The appellant is a dealer. Therefore, non-renewal of licence affects his right to carry on business. In that view of the matter, we deem it appropriate to direct the licensing authority to consider the request of the appellant for grant of renewal of licence or issuance of fresh licence, as the case may be.

It could not be pointed out by the learned counsel for the State that there is any material with the State which may be relevant for denying benefit of renewal or fresh licence.

With the said direction and liberty, the order dated 19.9.2012, passed by the learned Single Judge in CWJC No. 1610 of 2011, is set aside.

This Letters Patent Appeal is allowed in the above terms.

(Hemant Gupta, J)

(Navaniti Prasad Singh, J)

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