

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6208 of 2013

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Hari Goswami S/O Late Mahadeo Goswami R/O Mohalla- Tikri Road, Shahpur
Mohalla, P.S.- Aurangabad Town, District- Aurangabad

.... Petitioner

Versus

1. The State Of Bihar
2. The District Magistrate-Cum-The Licencing Authority, Aurangabad
3. The District Arms Magistrate, Auragabad

.... Respondents

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Appearance :

For the Petitioner : M/s Sanjay Kumar and Rajeshwar Singh, Advocates
For the State : Mr. Sudhir Kumar, AC to AAG 2

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 22-02-2016

Heard the parties.

Petitioner seeks renewal of licence no. 9/1996 granted under the provisions of the Explosives Act, 1984 for running a fire cracker shop.

It is contended on behalf of the petitioner that the licence was granted in the year till 31.03.1996 on 14.03.1996, however, regularly thereafter, he applied for renewal of the licence but the same was not done by the authorities concerned and, in fact, the licence itself was handed over to the petitioner on 11.11.2003. Thus, it is contended that the authorities should consider the application filed by the petitioner for renewal of licence and pass necessary order.



Per contra, learned counsel for the State submitted that after the order having been passed in the year 1996 granting licence to the petitioner on 14.03.1996, the petitioner never turned up so that the licence could be physically handed over to him and, thus, the same could be handed over to him on 11.11.2003 after the period of licence had already expired on 31.03.1996. It is further contended that the petitioner claims that he regularly filed application for renewal of the licence but the Challan showing necessary payment of fee was not filed rather he used to pay the amount in some other district, therefore, renewal application was never complete. That apart, it is also contended that the petitioner is running illegal shop and when raid was conducted by the authorities, a First Information Report was lodged against him in 2005.

However, learned counsel for the petitioner submits at the strength of Annexure 5 that the seized articles were directed to be released in favour of the petitioner and direction was given to trade in article by a co-ordinate Bench of this Court.

However, in my view, since the period of terms of licence expired on 31.03.1996 itself and, thereafter, for this reason or that reason, renewal was never done and the petitioner never approached the competent forum for redressal of his grievance if the authorities were not renewing the licence without any rhyme or reason, it

would be very difficult for this Court to direct the authorities concerned to consider his application for renewal which has expired on 31.03.1996 itself, i.e., about 19 years back.

Accordingly, this writ application is being disposed of with a liberty to the petitioner to approach the licensing authority for grant of fresh licence by duly applying for the same. On receipt of such application, let the licensing authority consider the same on its own merit and in accordance with law within a reasonable period not exceeding three months from the date of its filing.

However, it is made clear that this Court has not formed or expressed any opinion with respect to the merit of the case of the petitioner.

(Dr. Ravi Ranjan, J.)

SC/-

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