

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1955 of 2016

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Perwez Alam Khan, S/o Late Razaur Rahman Khan, Resident of Village
and Post- Lai, P.S.- Bihta, Dist- Patna.

.... Petitioner

Versus

1. The State of Bihar, through the District Magistrate, Patna.
2. The District Magistrate, Patna.
3. The S.D.O., Danapur, Dist- Patna.
4. The Arms Magistrate, Patna.
5. The S.S.P., Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh, Advocate
Mr. Bijay Shankar Choubey, Advocate
For the Respondent/s : Mr. Kumar Alok, SC-8

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 01-02-2016

Heard learned counsel for the petitioner and the State.

The petitioner seeks quashing of the order dated 15.12.2015 passed by the District Magistrate-cum-Licensing Authority, Patna in Arms Case No.43/2004 by which his application for grant of firearm licence has been rejected.

Learned counsel for the petitioner submits that the mandate to the statutory authority under Section 14 (3) of the Arms Act is that, if he refuses to grant licence of firearm to any person, he shall record in writing reasons for such refusal. It is contended that in place of doing that he has stated that, from the materials on record, it does not appear as to why the licence should be granted to the petitioner. Thus, he has come to the

conclusion that the licence cannot be granted in terms of Section 14 (1) (b) (ii) of the Arms Act which lays down in clear terms that where the licensing authority deems it necessary for the security of the public peace or for public safety, it can refuse to grant such arms licence. Though it is recorded that grant of licence to the petitioner would be detrimental to the public peace and property but there is no material on the record which stands considered by him for reaching to such conclusion. In fact the police authorities have recommended for grant of licence up to the level of Senior Superintendent of Police.

In my view, this order suffers from vice of arbitrariness and, as such, it cannot be sustained in law.

Accordingly, the impugned order is quashed and set aside. The matter is remitted back to the District Magistrate-cum-Licensing Authority, Patna for taking a fresh decision in accordance with law within a period of three months from the date of receipt/production of a copy of this order.

This writ application stands disposed of.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

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