

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7643 of 2016

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Radheshyam Rai, Son of late Ram Prasad Rai, Resident of Village- Bawanghat,
Singhara, PS- Mahua, District Vaishali.

.... Petitioner

Versus

1. The State of Bihar
2. The Commissioner , Tirhut Division, Muzaffarpur.
3. The District Magistrate, Vaishali District Vaishali.
4. The Superintendent of Police, Vaishali District Vaishali.
5. The Officer-in-Charge, Mahua Police Station, Mahua, district Vaishali.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Singh, Advocate

For the Respondent/s : Mr. Satyapal Singh, AC to SC-15

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 27-06-2016

Heard parties.

The petitioner seeks quashing of Annexure 3 as well as Annexure-4 which are the orders passed by the District Magistrate-cum-Licensing Authority, Vaishali and the Commissioner, Tirhut Division, Muzaffarpur respectively.

The District Magistrate-cum-Licensing Authority, Vaishali has cancelled the arms licence of the petitioner on the ground that he could not submit N.D.A.L. Form despite notice having been served upon him. The petitioner claims that no notice was ever served upon him. The appellate authority has also affirmed the order passed by the licensing authority.

On such submission made on behalf of the petitioner,

original records were called and produce today for perusal of this Court.

Learned counsel for the State submits that notices were published in the daily newspaper.

In my view, for cancellation of licence, personal notice was required to be issued upon the petitioner. That apart, there is another document in the original record, which is a letter contained in Memo No.291 dated 28.03.2016 addressed to three persons including the petitioner stating that their cancellation of licences has been revoked and they are required to submit their NDAL Form till 31.03.2016 but there is nothing on the record to show that even this letter was served upon the petitioner. Though similar letter written to one Ajay Kumar appears to have been received by him but there is no such receiving by the petitioner in the aforesaid letter, which further goes to establish that even this letter was not served upon the petitioner, as such, he could not furnish NDAL Form.

In the aforesaid facts and circumstances, when eventually the date of filling up the NDAL Form was extended by the Central Government till 31.03.2016 granting benefit to other persons who did not fill up the NDAL Form earlier, the petitioner's cancellation was also not justified especially when the same was already revived by the aforesaid letter as contained in Memo No.291 dated 28.03.2016.

Accordingly, the impugned orders are quashed and set

aside. The petitioner is permitted to fill up the NDAL Form within a period of three weeks and submit it before the Licensing Authority. Since there is no order of cancellation of licence after the earlier order was already recalled, it has to be assumed that his licence has already been restored by the Licensing Authority.

However, if the petitioner again fails to submit his NDAL Form then the authority concerned would be at liberty to pass necessary order in the matter. If the petitioner fills up the NDAL Form within a period of three weeks and also files an application for renewal of the licence, let the same be considered in accordance with law by the licensing authority within a period of two months from the date of receipt/production of a copy of this order.

This writ application stands allowed to the extent as indicated above.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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