

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2716 of 2016

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Mithilesh Kumar Singh Son of Shri Ashok Kumar Singh, Resident of
Mohalla - Bada Telpa, Nai Basti, P.S. Town Thana, District - Chapra

.... Petitioner

Versus

1. The State of Bihar
2. The Commissioner, Saran Division, Chapra
3. The District Magistrate Cum Collector, Saran at Chapra
4. The Superintendent of Police, Saran at Chapra
5. The Senior Deputy Collector, District Legal Cell, Saran at Chapra
6. The Sub Divisional Officer, Sadar, Chapra
7. The Police Inspector Cum Officer - in - Charge of Town Police Station,
Chapra

.... Respondents

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Appearance :

For the Petitioner : Mr. Ramchandra Sahni, Advocate
For the State : Mr. Kumar Pankaj, A.C. to S.C. 21

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 14-03-2016

I.A. No.2205 of 2016:

This application has been filed for amendment of the writ petition by addition of relief mentioned in paragraph no.1 seeking quashing of the order dated 22.08.2015 (Annexure 7) passed by the District Magistrate, Saran, and the order dated 28.12.2015 (Annexure 8) passed by the Commissioner, Saran Division, Chapra.

It is contended on behalf of the petitioner that though the orders impugned were appended with the writ petition but by mistake prayer for quashing of the same could not be made.

In above view of the matter, the I.A. No.2205 of 2016 is allowed. The relief mentioned in paragraph no.1 thereof would form part of the writ petition.

C.W.J.C. No. 2716 of 2016

Heard the parties.

Petitioner is aggrieved by the order dated 22.08.2015 (Annexure 7) passed by the District Magistrate-cum-Licensing Authority, Saran, Chapra by which his application for grant of N.P. Bore firearm licence has been rejected. He also assails the order dated 28.12.2015 (Annexure 8) passed by the Commissioner, Saran Division, Chapra in Arms Appeal No.241/2015 upholding the aforesaid order and dismissing the appeal.

A counter affidavit has been filed on behalf of the State.

Sole issue raised on behalf of the petitioner is that the order impugned is in teeth of a decision of this Court rendered in **Manish Kumar Vrs. State of Bihar and other analogous cases [AIR 2016 Patna 9]** holding that non-production of specific evidence regarding any threat perception cannot form a ground for rejection of application for grant of arms licence to the petitioner under Section 14 of the Arms Act, 1959.

I find force in the submission raised on behalf of the petitioner.

So far second ground that there is no specific recommendation by the police is concerned, the petitioner cannot be faulted with for that. If the police authority errs then it would not automatically disentitle the petitioner. If the specific recommendation was required then another recommendation could have been sought by the Licensing Authority or he himself could have assessed the situation and passed an order but there is no reason assigned other than lack of specific evidence regarding threat perception to show that why he has come to such conclusion.

As a result, this writ application succeeds. The orders impugned are quashed and set aside. The matter is remitted back to the Licensing Authority 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. While doing so, he would be at liberty to seek police report and would be obliged to consider the decision of this Court rendered in **Manish Kumar (supra)**.

anjay-II/-

(Dr. Ravi Ranjan, J)

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