

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11827 of 2014

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Md. Salimuddin Son of Abdul Gaffar Resident of village and Post Babhandiha,
P.S. Obra, District - Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The District Magistrate, Aurangabad
3. The In - Charge Officer, District General Branch, Office of the District Magistrate, Aurangabad
4. The Superintendent of Police, Aurangabad
5. The Officer in Charge, Obra Police Station, District - Aurangabad

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Sharma

For the Respondent/s : Mr. Mohan Kumar Singh, A.C. to S.C. 5

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 08-02-2016

Heard learned counsel for the petitioner and
learned counsel for the State.

Initially, this application was filed for a direction
to the licensing authority for taking a decision on the application of
the petitioner filed for grant of arms license in the year 2003 itself.
However, it appears that during pendency of this writ application,
after a lapse of about 12 years, finally an order has been passed by the
District Magistrate-cum-Licensing authority, Aurangabad which has
been brought as Annexure-A to the counter affidavit by which the
application for grant of fire arm license to the petitioner has been
rejected.

I.A. No. 846 of 2016 has been filed by the petitioner for the purpose of challenging the aforesaid order by bringing the same on record from his side as Annexure-4 appended with the supplementary affidavit.

In the facts and circumstances of the case, I.A. No. 846 of 2016 is allowed and the petitioner is permitted to assail the aforesaid order passed by the licensing authority.

I have heard the parties. Only one ground has been raised on behalf of the petitioner that the rejection of his application is based upon the fact that no specific evidence could be produced before the licensing authority showing any threat upon the petitioner which is erroneous.

The issue concerned is no longer *res integra* as the same already stands considered and decided by this Court in **Manish Kumar Vs. State of Bihar and others, , AIR, 2016, Patna, 9** holding that the lack of specific evidence regarding threat perception does not form a ground for refusal of license under section 14 of the Arms Act.

Accordingly, this writ application succeeds. The order impugned as contained in Annexure-4 of the supplementary affidavit filed by the petitioner and Annexure-A to the counter affidavit filed on behalf of respondent nos. 2 and 3 is quashed and set

aside. However, the matter is remitted back to the licensing authority for taking a fresh decision on its own merit in accordance with law expeditiously preferably within a period of three months from the date of receipt/production of a copy of this order.

This writ application stands allowed.

(Dr. Ravi Ranjan, J)

Amin/-

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