

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1653 of 2016

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Rajiv Mouar, S/o Late Vnod Kumar Mouar, C/o Sri Jagarnath Rai, Ex-Membar of Legislative Council, Dakbunglow Road, Hajipur (Vaishali) and Permanent residence of Mohalla- Mouar Lane, P.S.- Sultanganj, District-Patna.

.... Petitioner

Versus

1. The State of Bihar through Home Secretary, Govt. of Bihar.
2. District Magistrate, Vaishali.
3. Divisional Commissioner, Tirhut Division, Muzaffarpur.
4. Additional District Magistrate (Arms), Vaishali.
5. District Arms Magistrate, Vaishali.
6. Superintendent of Police, Vaishali.

.... Respondents

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Appearance :

For the Petitioner/s : Ms. Manisha Pandey, Advocate
Mr. Deepak Kumar, Advocate

For the Respondent/s : Mr. Mukund Mohan Jha, AC to GP-31

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

4 23-02-2016

Heard learned counsel for the petitioner and the State.

The petitioner seeks quashing of the order dated 30.07.2015 passed by the District Magistrate, Vaishali by which his firearm's licence has been cancelled under Section 17 (3) of the Arms Act, 1959 in view of the fact that he could not submit NDAL form.

The petitioner's stand is that he had submitted his completed form before the Nagar Thana, Hajipur on 2.04.2014 itself but still such order has been passed.

The petitioner has filed supplementary affidavit bringing on record the newspaper cutting. Admittedly the date of filling up for such form was extended vide notification dated 23.09.2015 till 31.03.2016. In view of the fact that the petitioner

had already deposited the form before the police station concerned, which should have immediately transmitted to the Arms Magistrate for doing the needful and also, admittedly, notice was never received by the petitioner, in my view, cancellation was also not correct. Thus, in my view, since cancellation of licence was only on aforesaid ground and period of compliance has already been extended, let the petitioner furnish duly filled up form within the aforesaid extended period.

Accordingly, the order impugned is also quashed. The petitioner is permitted to fill up the form till 31.03.2016 before the Arms Magistrate. On submission of such form, the petitioner would be entitled to release of his firearm by the authority after renewal of licence.

The petitioner would be at liberty to seek renewal after filling up such form. If such application is filed, let a decision be taken by the authorities within a period of two months with respect to the renewal of licence. If the licence is renewed, then the licensing authority would be required to pass necessary order for immediate release of the concerned firearms within a period of one month thereafter.

This disposes of the writ petition.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

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