

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16065 of 2016

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Arjun Kumar, Son Jago Prasad, Resident of Village- Kandi Nawada, P.S.-
Chandauti, Distt- Gaya, At Present -Sohan Bigha, P.S. Magadh Medical, Distt-
Gaya.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Commissioner, Magadh- Division, Distt Gaya.
3. The District Magistrate, Distt- Gaya.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sunil Kumar Yadav, Advocate
For the State : Mr. MD.Nadeem Seraj-Gp5

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 09-01-2017

Sole ground taken for assailing the impugned order contained in Annexure 5 passed by the District Magistrate-cum-licensing authority, Gaya is that order of cancellation of firearm licence was passed without granting reasonable opportunity to the petitioner.

Records have been produced but learned counsel has not been able to substantiate from it that any show cause notice was issued and served upon the petitioner for the purpose of cancellation.

In my considered view, such extreme step cannot be taken without granting reasonable opportunity.

A co-ordinate Bench of this Court in **Amar Sinha Vs.**



District Magistrate, Monghyr and another [1990 PLJR 217] has held after placing reliance upon a Full Bench decision of **Kapildeo Singh vs. State of Bihar and Ors. [AIR 1987 Pat 122]** that suspension or revocation of arms licence **on any ground** without affording an opportunity of being heard is bad and in violation of principle of natural justice.

Thus, in my considered opinion, the impugned order has to go and, accordingly, the same is quashed and set aside. However, this order would not come in way of the Licensing Authority in initiating a fresh proceeding by issuance of show cause notice to the petitioner, if it so desires.

Accordingly, this writ application is allowed to the extent as indicated above.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

AFR/NAFR	NAFR
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