

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9695 of 2017

Shiv Chandra Prasad, Son of Sri Rambabu Rai, Resident of Village- Shahtoli,
Police Station- Danapur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Senior Superintendent of Police, Patna.
4. The Arms Magistrate, Patna.
5. The Sub Divisional Officer, Patna.
6. The Deputy Superintendent of Police, Danapur.
7. The State House Officer, Danapur Cant. District Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sharwan Kumar, Sr. Adv. Mr. Dinesh Maharaj, Adv.
For the Respondent/s	:	Mr. Suman Kumar Jha, AC to AAG-3

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 16-11-2017 Heard Mr. Sharwan Kumar, learned Senior Counsel for the petitioner and Mr. Suman Kumar Jha, learned AC to AAG-3 for the respondent-State.

Initially the present writ application was filed for a direction to the respondent authorities, particularly the licencing authority to issue a licence for NP Bore rifle/pistol as the petitioner applied for the same in January 2016, for the safety of his life and property. Subsequently, I.A. No. 8183 of 2017 has been filed for amendment of the prayer to the extent for quashing the letter no. 1745 dated 04.09.2017 issued under the signature of respondent no.2, the District Magistrate, Patna, as



contained in Annexure-6 to the Interlocutory Application, whereby the prayer of the petitioner for issuing arms licence has been rejected.

Learned Senior Counsel for the petitioner submits that the Collector has mechanically and maliciously passed the order during pendency of the present writ application to save his skin, which gets reflected from the fact that four persons from the petitioner's side have been killed and he has not found any good reason for issuance of arms licence. Moreover, the Collector has rejected the prayer of the petitioner on the ground that Officer-in-Charge of Danapur Police Station has not recommended for issuance of arms licence. It is further submitted that there is no such requirement under Section 13 of the Arms Act, which, *prima facie*, suggests that the Collector has deliberately failed to discharge his statutory duty.

Learned AC to AAG-3 submits that the petitioner is having the alternative remedy of appeal under Section 18 of the Arms Act.

Considering the rival submissions of the parties, this Court is of the view that there is no doubt that the present writ application was registered on 13.07.2017 and during pendency of the present writ application, the impugned order was passed



on 04.09.2017, but the petitioner has alternative remedy of appeal under Section 18 of the Arms Act.

In the circumstances, the petitioner is permitted to avail the alternative remedy of appeal before the appropriate forum. If the petitioner files such appeal within a period of four weeks from the date of receipt/production of a copy of this order, along with the application for condonation of delay, the appellate authority will consider the application for condonation of delay in view of the fact that the present writ application was pending before this Court since 13.07.2017 and during pendency of the present writ application, the impugned order was passed.

It is also expected from the appellate authority to consider all the contentions raised by the petitioner.

However, it is made clear that this Court is not making any opinion with regard to observation made in the impugned order, since it will prejudice the case of the parties.

Accordingly, with the above observation and direction, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

U			
---	--	--	--

