

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9595 of 2017

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Md. Masiha, Son of Md. Abdul Haque, Resident of Village + Post Office +
Police Station – Laukaha, District – Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar,
Patna.
2. The District Magistrate, Madhubani.
3. The District Arms Magistrate, Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Madhu Prasun, Advocate

For the Respondent/s : Mr. Partha Sarthi, GA-4

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

02/ 06-11-2017

Heard Mr. Madhu Prasun, learned counsel

for the petitioner and learned AC to GA-4.

The present Writ application has been filed
for a direction to the respondent authorities to grant permission to
the petitioner to sell his Pistol No. R.P. 105053 (IOF), bearing
License No. 1272/2012 to the dealer namely, Durga Arms and
Ammunition and to purchase a new pistol since the said pistol has
been found to be defective.

It is submitted by learned counsel for the
petitioner that the petitioner has purchased the pistol in question
from Durga Arms and Ammunition Dealers, Hospital Road,
Laheriasarai. The petitioner is a reputed businessman of the area
as well as Member of Darbhanga Rifle Club, Darbhanga and got



38th position in XXV Bihar State Rifle Shooting Championship held at BMP-5, Patna from 10.09.2013 to 15.09.2013. The pistol in question purchased by the petitioner was second hand and found defective, as such petitioner made representation on 14.06.2014 before respondent no. 3, District Arms Magistrate, Madhubani for permission to sell the pistol in question and purchase another pistol. Respondent No. 3, District Arms Magistrate, Madhubani vide Memo No. 32/Arms Madhubani dated 15.07.2014 directed the petitioner to submit consent of the dealer with regard to sell of the pistol in question. On 16.07.2014 the petitioner obtained the consent of the dealer and submitted the same before respondent no. 3, District Arms Magistrate, Madhubani, as gets reflected from Annexure-6, but thereafter no action has been taken in this regard.

It is submitted by learned counsel for the State that the stipulation for such permission is provided under Section 16 of the Arms Act, 2016, if permission has not been given till date, it will be given within a time frame.

Considering the rival submissions of the parties, it is expected from respondent no. 2, District Magistrate, Madhubani and respondent no. 3, District Arms Magistrate, Madhubani to take decision on the application of the petitioner



preferably within a period of eight weeks from the date of receipt/production of a copy of this order.

Accordingly, this Writ application is disposed of.

(Dinesh Kumar Singh, J)

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