

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2581 of 2017

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Syed Nehal Ahsan, Son of Late Syed Reyaz Ahsan, Resident of Mohalla-Ahsan Manzil, Mohalla-Salempur, P.O. & P.S.-Barh, District-patna.

... .. Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Department, of Home Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Senior Superintendent of Police, Patna
4. The Sub Divisional Police Officer, Barh, Patna.
5. The Sub Divisional Magistrate, Barh, Patna
6. The Officer Incharge, Police Station, Barh, District Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Syed Hussain Majeed Mr. Avinash Shekhar
For the Respondent/s	:	Mr. PARTHA SARTHI- GA4 AC to G.A. 4

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 23-01-2018 Heard learned counsels for the parties.

The present writ application was initially filed for a direction to the respondent no. 2, the District Magistrate, Patna to dispose of the application for Arms Licence pending before him since 24.12.2011 or, in alternative, to grant arms licence of NP bore rifle to the petitioner.

I.A. No. 7752 of 2017 has been filed with a further prayer to amend the initial prayer to the extent that order dated 8.2.2016 passed by the respondent no. 2, the District Magistrate, Patna, whereby the petitioner's application for grant of arms licence for NP bore pistol/revolver has been



rejected, be quashed.

Though the writ application was filed on 16.2.2017 but the petitioner was not aware about the order dated 8.2.2016 since the order was never transmitted or served upon the petitioner nor any intimation was given to him. It is further submitted that the order impugned has been passed on non-est ground, which is not in consonance to the parameters for refusal of arms licence incorporated under Section 14 of the Arms Act and has been brought on record for the first time as Annexure C to the counter affidavit.

Considering the fact that the order of the respondent no. 2, the District Magistrate, Patna as contained in Annexure P/4 to the I.A. is appealable under Section 18 of the Arms Act, 1959 this writ application is disposed of with a liberty to the petitioner to prefer an appeal against the said order within a period of four weeks from the date of receipt/production of a copy of this order along with application for condonation of delay.

It is expected from the Appellate Authority to consider the condonation of delay in view of the fact that the impugned order brought on record, as contained in Annexure C to the counter affidavit, does not suggest that it was



circulated or served upon the petitioner. It is also expected from the Appellate Authority that if such appeal is filed, it may be disposed of within a period of three months from the date of its filing.

(Dinesh Kumar Singh, J)

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