

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14506 of 2017

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Kameshwar Prasad Singh, son of Late Ram Anuj Singh, Resident of Usha Sadan, Manikchand Talab, Anisabad, Police Station - Gardanibagh, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Commissioner, Patna Division, Patna.
3. Collector-cum-District Magistrate, Patna.
4. Senior Superintendent of Police, Patna.
5. Additional Collector-cum-Additional District Magistrate (Arms), Patna.
6. Officer-in-charge, Gardanibagh, Police Station - Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raj Shekhar, Adv.
For the Respondent/s : Mr. S.S.Prasad, SC-8

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 10-09-2018

Heard learned counsel for the petitioner and the respondent-State.

The present writ application has been filed for quashing the order dated 09.07.2016, contained in Letter No.2193/Arms, passed by the District Magistrate, Patna in Misc. Arms Case No.09-911/2007, whereby, the application of the petitioner for grant of licence for N.P. Bore Rifle has been rejected.

Though this Court has noticed that once the licensing authority rejects the application on one ground and thereafter when the High Court remands back the matter for fresh consideration, then the applications are rejected on the other



ground. This Court deprecates such attitude of the licensing authority, as is evident in the present case. It appears that first time the licensing authority rejected the application of the petitioner vide order dated 03.11.2014, as contained in Annexure-5, on the ground that the petitioner is not having any threat perception but after remand, vide impugned order dated 09.07.2016, it has been rejected on the ground that granting of arms licence to the petitioner will affect public peace and public security.

Keeping in view the fact that the petitioner is having the alternative remedy of appeal under Section 18 of the Arms Act, this Court is not inclined to interfere with regard to manner in which the licensing authority has passed both the orders, whereby, the claim of the petitioner has been rejected twice.

The petitioner is at liberty to prefer an appeal within a period of three weeks from the date of receipt of a copy of this order along with application for condonation of delay. On such appeal being filed, it is expected from the Appellate Authority to consider the application for condonation of delay in view of the fact that the writ application was pending before this Court. It is further expected from the Appellate Authority to decide the appeal expeditiously, keeping in view the factual details under



which the petitioner has been compelled to file the present writ application, preferably within a period of six weeks of its filing.

With the above observation and direction, this writ application is disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

