

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.627 of 2017

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Dr. Deepak Kumar, S/o Sri Krishna Prasad, Resident of Mohalla -
Khajurbanna, Post Mahendru, P.S. Sultanganj, Town & District - Patna

.... Petitioner/s

Versus

1. The State of Bihar, through Home Secretary, Govt. of Bihar
2. District Magistrate, Patna
3. District Arms Magistrate, Patna
4. Additional Magistrate (Arms), Patna
5. Divisional Commissioner, Patna
6. Sub - Divisional Officer, Patna City, Patna
7. Sr. Superintendent of Police, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. B.N. Pandey, Advocate
Mr. Deepak Kumar, Advocate
For the Respondent/s : Mr. P.K. Verma, AAG-3
Mr. Saroj Kumar Sharma, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 01-11-2018

Heard Mr. B. N. Pandey, learned counsel for

the petitioner and Mr. Saroj Kumar Sharma, learned AC to AAG-3.

The present writ application has been filed for quashing the order dated 28.11.2016, contained in Memo No. 3424/Arms dated 28.11.2016 passed by Respondent No. 2, the District Magistrate, Patna, whereby the petitioner's application for grant of arms licence under the family heirloom policy has been rejected since the petitioner failed to submit no objection from all the heirs of the licensee.



It is submitted by learned counsel for the petitioner that no objection on behalf of the heirs of the licensee is only required under Rule 25(2) of the Arms Rules, 2016 in case licensee is dead but when the licensee is alive then there is no requirement of no objection.

Without expressing any opinion on the merits of the case, this Court is not inclined to interfere since the alternative remedy of appeal under Section 18 of the Arms Act, 1959, is available to the petitioner.

In the circumstances, the petitioner, if so advised, may prefer an appeal before the Appellate Authority, i.e., Divisional Commissioner, Patna within a period of four weeks from the date of receipt of a copy of this order along with application for condonation of delay whereupon the appellate authority will consider the application for condonation of delay in view of the fact that the writ application was pending before this Court.

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

(Dinesh Kumar Singh, J)

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