

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10924 of 2018

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Subodh Kumar Yadav Son of Lakhanlal Prasad Yadav, resident of Village-
Arraiya, Police Station- Parbatta (Maraiya), District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Home Department, Government of Bihar, Patna.
3. The Divisional Commissioner, Munger.
4. The District Magistrate Cum Collector, Khagaria.
5. The Superintendent of Police, Khagaria.
6. The Sub- Divisional Officer, Gogri, Khagaria.
7. The S.D.P.O., Gogri, District- Khagaria.
8. The S.H.O., Mariya O.P. Police Station- Parbatta, District- Khagaria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Advocate

For the Respondent/s : Mr. Ustav Kumar, AC to GA-4

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 13-07-2018

Heard Mr. Shekhar Kumar Singh, learned counsel

for the petitioner and Mr. Ustav Kumar, learned AC to GA-4.

The present writ application has been filed for quashing the order dated 13.05.2017 passed by Respondent no. 4, District Magistrate, Khagaria in Arms Case No. 34/2017-18, as contained in Annexure-6, whereby the application of the petitioner for grant of arms licence for NP Bore Rifle has been rejected on the ground that the petitioner has no threat perception.

It is submitted by learned counsel for the petitioner



that Sections 13 and 14 of the Arms Act, 1959 for grant or refusal of arms licence does not stipulate any parameter which suggests that the licence can only be granted to such applicants who have threat perception.

Learned counsel for the respondents submits that the petitioner has not availed the statutory remedy of appeal.

It is well settled law that the discretionary jurisdiction under Article 226 of the Constitution of India can be exercised, when an alternative efficacious remedy is not available. Since Section 18 of Arms Act, 1959 stipulates remedy of appeal against the order passed by the licensing authority. Hence, this Court is not inclined to interfere into the matter. However, the petitioner is at liberty to avail statutory remedy by filing appeal before the Appellate Authority along with the application for condonation of delay in filing the appeal within a period of three weeks from the date of receipt/production of a copy of this order. The Appellate Authority is expected to consider the application for condonation of delay keeping in view the fact that the writ application has been pending before this Court and dispose of the appeal in accordance with law within a period of eight weeks of its filing on merits.

It is made clear that this Court has not expressed



any opinion on the merits of the case of the petitioner.

Accordingly, this Writ application is disposed
of.

(Dinesh Kumar Singh, J)

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