

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20136 of 2016

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Birendra Prasad Yadav, son of Late Sivjanam Yadav, resident of Village-
Dhamar, P.O. Dhamar, P.S. Ara Muffasil, District Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Bhojpur.
3. The Superintendent of Police, Bhojpur.
4. The Sub. Divisional Officer, Bhojpur. null null
5. The Sub. Divisional Police Officer, Ara, Bhojpur.
6. The Officer-in-Charge, Ara Muffasil, District- Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mrs. Sunita Kumari
For the Respondent/s	:	Mr. Shailesh Kumar, AC to GP 5

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-10-2018 Heard learned counsels for the parties.

The present writ application has been filed for quashing the order dated 16.8.2016 passed by Respondent No. 2, the District Magistrate, Bhojpur in Arms License Case No. 24/2016, as contained in Annexure 3, whereby the application submitted by the petitioner for grant of licence for N.P. Bore rifle has been rejected.

It is submitted by learned counsel for the petitioner that the petitioner submitted an application for grant of licence in 2013. When the said application was not being disposed of, the petitioner preferred CWJC No.11502 of 2016 wherein a Bench of this Court vide order dated



1.8.2016, as contained in Annexure 2, directed the licensing authority to take a decision on the application of petitioner within a period of three months and consequently the impugned order was passed rejecting the petitioner's application on the ground that the police has not recommended for grant of licence.

Without expressing any opinion on the merits of the case, this Court is simply 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, this Court, in the interest of justice, gives liberty to the petitioner to prefer appeal before the appellate authority, i.e., the Divisional Commissioner against the impugned order along with an application for condonation of delay within a period of four weeks from the date of receipt/production of a copy of this order. It is expected from the Appellate Authority to consider the application for condonation of delay since the present writ application was pending before this Court. It is further expected from the Appellate Authority to decide the appeal without being prejudiced by this order, as this Court has not expressed any opinion on the merits of the case, preferably



within a period of six weeks of its filing.

With the aforesaid, this writ application is disposed
of.

(Dinesh Kumar Singh, J)

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