

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19411 of 2017

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Dinesh Kumar son of Mahendra Prasad @ Daroga Prasad, Resident of village
- Tengrari, P.S. Siwaipatti, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate-cum-Collector, District - Muzaffarpur.
2. District Magistrate-cum-Collector, District - Muzaffarpur.
3. The District Arms Licenses Officer-cum-Licensing Authority, District - Muzaffarpur.
4. The Officer-in-charge of Siwaipatti police station, District - Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan

For the Respondent/s : Mr. Manish Kumar, AC to GP 4

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 27-09-2018

Heard learned counsels for the parties.

The present writ application has been filed for a direction to the Respondent No. 2, the District Magistrate, Muzaffarpur to take a decision on the application submitted by the petitioner in January, 2014 for grant of licence of D.B.B.L gun.

However, a counter affidavit has been filed on behalf of the Respondent Nos. 1 to 3, bringing on record the order dated 17.01.2016 passed by the Respondent No. 2, the District Magistrate, Muzaffarpur, rejecting the claim of the petitioner on the ground that the petitioner has not submitted an affidavit on behalf of his father who is licensee of DBBL gun from before whose arms was being sought by the petitioner to be transferred in his favour and the police report does not stipulate any threat to life



of the petitioner.

Without considering the merits of the impugned order, since the licensing authority has rejected the claim of the petitioner, the petitioner is permitted to prefer an appeal within a period of three weeks from the date of receipt of a copy of this order along with an application for condonation of delay. Moreover from the records, it does not appear that the impugned order has been communicated to the petitioner. Hence, if the requisites for issuance of the certified copy of the order dated 17.01.2016 passed by the licensing authority, are submitted, the same will be supplied within two days of submission of the requisites. The appellate authority may consider the appeal of the petitioner including the question of condonation of delay in view of the fact that the writ application was pending before this Court and the order dated 17.01.2016 has been brought on record for the first time by filing of a counter affidavit on 19.09.2018.

Accordingly, this writ application is disposed of.

(Dinesh Kumar Singh, J)

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CAV DATE	
Uploading Date	
Transmission Date	

