

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15566 of 2018

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Sanjeev Kumar, Son of Late Krishndeo Prasad, resident of Village Makarauta, P.S. Karai Parsurai, District- Nalanda at Biharsharif.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Govt. of Bihar, Patna.
2. The District Magistrate, Nalanda at Biharsharif.
3. The District Arms Magistrate, Nalanda at Biharsharif.
4. The Superintendent of Police, Nalanda at Biharsharif.
5. The Sub-Divisional Officer, Hilsa Sub-Division, Hilsa District Nalanda at Biharsharif.
6. The Circle Officer, Karai Parsurai Circle, Karai Parsurai, Nalanda.
7. The Officer in-Charge, Karai Parsurai Police Station, Karai Parsurai, Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar, Advocate
For the Respondent/s : Mr. Md. N.H. Khan, SC-1
Mr. Md. Ishan, AC to SC-1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 04-09-2018

Heard Mr. Mithilesh Kumar, learned counsel

for the petitioner and Mr. Ishan, learned AC to SC-1.

The present writ application has been filed for quashing the order dated 28.03.2014 issued under the signature of Respondent No. 2, District Magistrate –cum- Collector, Nalanda, whereby the petitioner's Arms licence bearing licence No. 6/93 for DBBL gun has been suspended with immediate effect and the petitioner has been directed to submit show cause as to why the Arms licence be not cancelled and he has also further been



directed to surrender the arms, as contained in Annexure-7. The impugned order also reflects that it has been issued since the petitioner did not get his arms verified even after being duly informed, hence, the licence of the petitioner has been suspended.

It is submitted by learned counsel for the petitioner that the mechanical approach of the licencing authority is apparent from the fact that the licence of the petitioner has been renewed up to 2016. It is further submitted that the petitioner never received any notice with regard to verification or with regard to suspension of his arms licence and specific statement to that effect has been made in the writ application.

Keeping in view the fact that there is a statutory provision of appeal under Section 18 of the Arms Act, 1959 against the order passed by the licensing authority, this Court is not inclined to interfere, but considering the submission of the learned counsel for the petitioner, the petitioner is at liberty to prefer an appeal before the Appellate Authority within a period of three weeks from the date of receipt of a copy of this order along with application for condonation of delay. It is expected from the Appellate Authority to consider the application for condonation of delay keeping in view the fact that on the one hand the licence of the petitioner is being renewed upto 2016 and on the other hand,



the same licensing authority directs for suspension of the arms licence of the petitioner in 2014. It is further expected from the Appellate Authority to decide the appeal after condoning the delay in filing the appeal within a period of two months of its filing.

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

(Dinesh Kumar Singh, J)

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