

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5579 of 2017

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Mahesh Prasad, S/o-Late Ram Ratan, Resident of ' Ratan Complex' House
No. 276, Ashok Nagar, Road No. 14, P.O.-Lohia Nagar, P.S.-Kankarbagh,
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. The Additional District Magistrate (Arms), Patna.
5. Divisional Commissioner, Patna.
6. Sr. Superintendent of Police, Patna.
7. S.D.O. Sadar, Patna.
8. S.H.O. Kankarbagh P.S., 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. Md. Nadeem Siraj, GP-5
Mr. Dhurendra Kumar, AC to GP-5

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

02/ 29-10-2018

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

petitioner and Mr. Dhurendra Kumar, learned AC to GP-5.

The present writ application was filed for a
direction to Respondent No. 2, District Magistrate, Patna –cum-
licensing authority under the Arms Act to take a decision on the
application of the petitioner for grant of arms licence for N.P. Bore
Rifle in view of the remand order dated 26.04.2016 passed in
Arms Appeal No. 117 of 2012.

I.A. No. 503 of 2018 has been filed for



quashing the order dated 06.11.2017, contained in Memo No. 2137 dated 06.11.2017 passed by Respondent No. 2, District Magistrate, Patna, whereby the application of the petitioner for grant of licence for N.P. Bore Rifle has been rejected.

The factual matrix of the case is that the application of the petitioner for grant of arms licence of N.P. Bore Rifle was rejected by the District Magistrate, Patna-cum- licensing authority vide order dated 08.11.2012, against which the petitioner preferred Arms Appeal No. 117 of 2012 and in the said Arms Appeal, vide order dated 26.04.2016 the Appellate Authority remanded back the matter to the licensing authority, but in spite of that, the matter has not been decided by the licencing authority and hence, the present writ application. It is further submitted that however, the petitioner submitted an application in new format prescribed under Arms Rules, 2016 but without considering the same again the District Magistrate has rejected the application of the petitioner which has been challenged under Interlocutory Application.

This Court is not inclined to interfere since by virtue of the order passed by the licensing authority on 06.11.2017 which is appealable under Section under Section 18 of the Arms Act, 1959. However, petitioner is given liberty to prefer an appeal



before the Appellate Authority, i.e., Commissioner, Patna Division, Patna 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 in view of the fact that this writ application was registered on 12.04.2017 when the order was passed by the District Magistrate, Patna on 06.11.2017.

Accordingly, this writ application is disposed of.

(Dinesh Kumar Singh, J)

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