

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1087 of 2017

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Naveen Kumar Singh, S/o Late Bir Shamsher Singh, Resident of Village-Tariyani Chapra, P.O.-Tariyani Chapra, P.S.-Tariyani, Distt.-Sheohar at Present resident at Flat No. 206, Ashiana Wood Land, Pardhi, N.H.-33, Mango, P.S.-Chandil, Distt. Sarai Kala Kharsanwa (Jharkhand)

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Deptt. of Home, Govt. of Bihar, Patna.
3. The Divisional Commissioner, Tirhut Division, Muzaffarpur
4. The District Magistrate-cum-Collector, Sheohar.
5. The District Arms Magistrate, Sheohar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Verma
For the Respondent/s : AC to SC8

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

9 05-03-2018 Heard learned counsels for the parties.

The present writ application has been filed for quashing the order dated 31.10.2016 passed by the respondent no. 4, the District Magistrate, Sheohar, cancelling arms licence of the petitioner and also for a direction to consider the claim of the petitioner afresh for grant of arms licence in view of the application for grant of arms licence dated 5.1.2015 submitted before the respondent no. 4.

The petitioner is posted as Assistant Electrical Engineer, Electric Supply Sub-Division, Mango, Jamshedpur. The petitioner was initially granted pistol licence on the basis of police report submitted in favour of the petitioner but the same



was cancelled by the respondent no. 4, the District, Magistrate, Sheohar vide Memo No. 371 dated 31.10.2016, as contained in Annexure 10, to the supplementary affidavit, on the ground that the petitioner was working in Jharkhand and he was holding arms licence in the State of Jharkhand also. In addition to that the petitioner misbehaved with the authority, which also weighed with the authority to cancel his arms licence.

It is submitted by learned counsel for the petitioner that the grounds taken for cancellation of the licence is unknown to the procedure laid down in Section 14 of the Arms Act. Moreover, the grounds for cancellation of arms are contrary to the materials on record and above all, the malicious attitude of the respondent authority appears from the fact that after order of this Court, the impugned order has been issued.

Since there is provision for appeal under section 18 of the Arms Act, this Court is not inclined to entertain the writ application. Hence, without expressing any opinion on the merits of the case of the petitioner, this writ application is disposed of with a liberty to the petitioner to file an appeal against the impugned order before the Appellate Authority within a period of four weeks from the date of receipt/production of a copy of this order and it is expected from



the Appellate Authority to consider the same in view of the fact that the impugned order was provided to the petitioner, after a direction of this court during pendency of the present writ application and it is expected from the Appellate Authority to dispose of the appeal of the petitioner, if any, within a period of three months thereafter.

(Dinesh Kumar Singh, J)

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