

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5378 of 2018

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Dhirendra Kumar, Son of Late Arbind Bhagat @ Chhannu Bhagat, R/o
Village-Adharpur, P.S.-Muffasil, District-Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The District Magistrate-Cum-Collector, Samastipur.
3. The Superintendent of Police, Samastipur.
4. The Arms Magistrate, Samastipur
5. The Sub-Divisional Magistrate, Samastipur.
6. The Sub-Divisional Police Officer, Sadar, Samastipur.
7. The Police Inspector-Cum-S.H.O., Muffasil Police Station, Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Durganand Jha, Advocate
Mr. Prem Prakash Poddar, Advocate
For the Respondent/s : Mr. P.K. Verma-AAG3
Mr. Shubham Kumar Jha, AC to AAG3

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 21-06-2018

Heard Mr. Durganand Jha, learned counsel for the
petitioner and Mr. Shubham Kumar Jha, learned AC to AAG-3.

The present writ application has been filed for
quashing the order dated 29.11.2017 passed by Respondent no. 2,
District Magistrate, Samastipur in Arms Case No. 23 of 2016, as
contained in Annexure-10, whereby the application of the
petitioner for grant of NP Bore pistol has been rejected.

It is submitted by learned counsel for the petitioner
that in spite of the fact that the police report was in favour of the
petitioner and the petitioner replied to all the queries made by the
licensing authority, even then mechanically, the application for



grant of licence has been rejected.

Learned counsel for the respondents submits that the petitioner has not availed the statutory remedy of appeal.

It is well settled law that the discretionary jurisdiction under Article 226 of the Constitution of India can be exercised, when an alternative efficacious remedy is not available. Since Section 18 of Arms Act, 1959 stipulates remedy of appeal against the order passed by the licensing authority, hence, this Court is not inclined to interfere. However, the petitioner is at liberty to avail statutory remedy by filing appeal before the Appellate Authority along with the application for condonation of delay in filing the appeal within a period of three weeks from receipt of a copy of this order then the Appellate Authority is expected to consider the application for condonation of delay, keeping in view the fact that the writ application has been pending before this Court and further expected to dispose of the appeal in accordance with law within a period of six weeks of its filing in accordance with law.

Accordingly, this Writ application is disposed of.

(Dinesh Kumar Singh, J)

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