

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20347 of 2016

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Surendra Prasad Singh, Son of Sri Ramanand Singh, Resident of Mohalla-Kuraich (Mahavir Asthan), P.S.- Sasaram, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Rohtas at Sasaram.
2. The Superintendent of Police, Rohtas.
3. The S.D.P.O., Rohtas at Sasaram.
4. The S.D.O. Rohtas at Sasaram.
5. The Police Officer, Sasaram (Nagar) Police Station, Sasaram.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Om Prakash Singh, Advocate
For the Respondent/s : Mr. P.K. Verma, AAG-3
Mr. Sanjay Kumar Ghosarvey, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 30-10-2018

Heard Mr. Om Prakash Singh, learned counsel for

the petitioner and Mr. Sanjay Kumar Ghosarvey, learned AC to AAG-3,

The present writ application has been filed for quashing the order dated 08.08.2013 passed in Arms Case No. 258 of 2010 passed by Respondent No. 1, District Magistrate, Rohtas whereby the application of the petitioner for grant of licence for S.B.B.L. Gun has been rejected.

It is submitted by learned counsel for the petitioner that initially the petitioner applied for grant of licence



for S.B.B.L. Gun but the same was rejected vide order dated 20.05.2010 passed in Arms Case No. 88 of 2010, as contained in Annexure-3, on the ground that he is not having any threat perception. The said order was challenged by the petitioner before the Divisional Commissioner, Patna, who remanded the matter to the licensing authority, District Magistrate, Rohtas vide order dated 10.01.2012 passed in Arms Appeal No. 144 of 2010, as contained in Annexure-4. It is further submitted by learned counsel for the petitioner that the order was never communicated to the petitioner and hence, the writ application was filed after an inordinate delay.

Learned AC to AAG-3 submits that the petitioner has not availed the alternative remedy of appeal provided under Section 18 of Arms Act, 1959.

At present this Court is not inclined to interfere since the alternative remedy of appeal is available to the petitioner. Since there is nothing on record to suggest that order dated 08.08.2013, which is the order under challenge, was communicated to the petitioner, the petitioner is given liberty to prefer an appeal before the Appellate Authority, i.e., Divisional Commissioner, Patna Division, Patna within a period of four 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 the writ application was registered on 21.12.2016, wherein the counter affidavit has still not been filed and moreover, the order dated 08.08.2013 was not communicated to the petitioner. It is further expected from the Appellate Authority to decide the appeal preferably within a period of two months of its filing.

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

(Dinesh Kumar Singh, J)

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