IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19268 of 2016

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Sweetty Kumari @ Rekha, Wife of Sri Shailendra Kumar, Resident of Mohalla- Munna Chak, P.S.- Patrakar Nagar, (Kankarbagh), Town & District-Patna.

... ... Petitioner/s

Versus

1. The State of Bihar, through Home Commissioner, Government of Bihar, Old Secretariat, Patna.
2. The District Magistrate, Patna Collecteriate, Patna.
3. The Senior Superintendent of Police, North Gandhi Maidan, Police Control Room, Patna.

... ... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Binode Bariar

For the Respondent/s : Mr. Prabhat Kumar Verma-AAG 3

Ms. Divya Verma, AC to AAG 3.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date : 30-10-2018

Heard Mr. Kumar Binode Bariyar, learned counsel for the petitioner and Ms. Divya Verma, learned AC to AAG 3 for the respondent-State.

The present writ application has been filed for quashing the order dated 06.09.2016, issued vide Memo No. 2717/sh.,Patna, under the signature of Respondent No. 2, the District Magistrate, Patna, as contained in Annexure-1, whereby the petitioner's application for grant of arms licence for N.P., Revolver/Pistol has

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been rejected in view of apprehension of breach of public peace and public security. Moreover, the petitioner had failed to suggest the sufficient reasons for grant of arms licence.

It is submitted by learned counsel for the petitioner that this is the third round, the petitioner has come up before this Court for grant of arms licence due to callous attitude by the licensing authority. The petitioner had applied for arms licence on 08.08.2008 and since then he is running from pillar to post.

At this stage, this Court is not inclined to interfere, since the petitioner has an alternative remedy of appeal under Section 18 of the Arms Act, 1959.

In the circumstances, this Court gives liberty to the petitioner to prefer appeal, if so advised, before the Commissioner, Patna Division, Patna against the order dated 06.09.2016, as contained in Annexure-1, along with an application for condonation of delay, whereupon it is expected from the appellate authority to consider the same in view of the fact that the writ application was pending before this Court keeping in view the fact that the petitioner is running from pillar to post since last ten years, it is expected from the appellate authority to dispose of the appeal within a period of six weeks from its filing.

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Accordingly, with the above observations and directions, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

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