

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9623 of 2017

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Baidyanath Prasad Singh, S/o- Late Hanuman Prasad Singh, R/o- Village+
Post- Chatouna, P.S.- Naw Kothi, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Home (Police) Department, Government of Bihar, Patna.
2. The Secretary, Home (Police) Department, Government of Bihar, Patna.
3. The District Magistrate, Begusarai, District- Begusarai.
4. The District Arms Magistrate, Begusarai, District- Begusarai.
5. The Superintendent of Police, Begusarai.
6. The Deputy Superintendent of Police, District- Begusarai.
7. The Sub- Divisional Officer, Begusarai.
8. The Officer-in- Charge, Now Kothi Police Station, District- Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Chandan Kumar Kashyap
For the Respondent/s : Mr. MD.NASHRUL HODA KHAN-SC1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 29-03-2018

The matter is taken up out of turn on the prayer of learned counsel for the petitioner with the consent of learned counsel for the respondent-State.

Heard Mr. Chandan Kumar Kashyap, learned counsel for the petitioner and Mr. Harun Quraishi, learned AC to SC-1 for the respondent-State.

The present writ application has been filed for quashing the order dated 25.05.2017, passed by respondent no.3, the Licensing authority-cum-District Magistrate, Begusarai in Arms Licence Miscellaneous Case No. 01 of 2017, as contained in Annexure-17, whereby the petitioner's application for reconsideration of



cancellation of the licence of DBBL gun, being Arms Licence No. 01 of 1983, filed in pursuance to an order of remand dated 11.02.2017, passed by the Divisional Commissioner, Munger Division, Munger in Arms Appeal no. 221 of 2015, has been rejected.

The factual matrix of the case is that the petitioner was granted Arms licence for D.B.B.L. gun, bearing Arms Licence No. 01 of 1983 and it was renewed after due inspection till 2015. The arms was inspected in the year February, 2015, but respondent no.3, the Licensing Authority-cum-District Magistrate, Begusarai cancelled the arms licence of the petitioner along with licenses of 131 persons, vide Memo no. 460, dated 28.09.2015, as contained in Annexure-2, on the ground that on four occasions, the notices were published in the daily news paper for physical verification of the arms, but the same was not produced. In the said notice, the name of the petitioner appears at serial no. 60. The petitioner challenged the said order before the Divisional Commissioner, Munger Division, Munger, in Arms Appeal No. 221 of 2015. The said arms appeal was disposed of by the Divisional Commissioner, vide order dated 11.02.2017 and without setting aside the order of the Collector, the matter was remanded back to respondent no.3, the Licensing Authority-cum-District Magistrate, Munger for



passing fresh order after hearing the petitioner. Consequently, notices were issued to the petitioner and he was heard and thereafter again the Collector, by a cryptic order dated 25.05.2017, passed in Arms Miscellaneous Case No. 01 of 2017, dismissed the application of the petitioner. Hence, the present writ application.

Since there is statutory remedy of appeal under Section 18 of the Arms Act, 1959, against the order of licensing authority, this Court is not inclined to interfere.

However, the present writ application is disposed of with liberty to the petitioner to file an appeal before the Divisional Commissioner, Munger Division, Munger along with an application for condonation of delay in filing the said appeal, within a period of three weeks from the date of receipt/production of a copy of this order, when it is expected from the Divisional Commissioner, Munger Division, Munger to consider the application for condonation of delay in filing such appeal in view of the fact that the petitioner was pursuing the remedy before this Court since 2017, and to dispose of the appeal with reasoned order within a period of eight weeks of filing of such appeal.

(Dinesh Kumar Singh, J)

Amrendra/-

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