

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5140 of 2018

=====

Raj Kumar Singh, Son of Ram Naresh Singh, Resident of Village- Narauni,
P.S.- Pawana, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Commissioner, Patna Division, Patna.
3. The District Magistrate, Bhojpur, Arrah.
4. The Superintendent of Police, Bhojpur, Arrah.
5. The Officer-in-Charge, Sandesh Police Station, District- Bhojpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Satyapal Singh
For the Respondent/s : Mr. Dhurendra Kumar AC to GP 5

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 21-06-2018 Heard learned counsels for the parties.

The present writ application has been filed for a direction to the Respondent no. 3, the District Magistrate, Bhojpur at Ara to dispose of the application of the petitioner after restoring the cancellation of licence of the petitioner in pursuance to the order dated 12.9.2013/27.9.2013 passed by Respondent no. 2, the Commissioner, Patna Division in Arms Appeal No. 243 of 2013, as contained in Annexure 3.

It is submitted by learned counsel for the petitioner that the Respondent no. 3, District Magistrate, Bhojpur at Ara vide order dated 12.4.2009 passed in Case No. 37 of 2009 cancelled the arm licence of the thirty persons including the petitioner on the ground that the Respondent no. 4,



Superintendent of Police, Bhojpur reported that all such licencee are dead, hence their licences stood cancelled. In the said order, name of the petitioner is at Sl. No. 8. However, name of father of the petitioner has been reported as Ram Raj Singh whereas the petitioner is son of Ram Naresh Singh. It is further submitted that the arms was deposited and a fresh report in pursuance to the order of the Commissioner, fresh report has been received.

The order dated 12.4.2009 was challenged by the petitioner in Arms Appeal No. 243 of 2013 before the Respondent no. 2, Commissioner, Patna Division, who vide order dated 12.9.2013/27.9.2013, as contained in Annexure 3, condoned the delay in filing the appeal since licence of the petitioner was cancelled on a misconceived report that the petitioner is dead, remanded the matter back to Respondent no. 4, Superintendent of Police, Bhojpur for taking necessary legal action after re-examining the fresh report, which is submitted to have been received, but after remand the matter is still pending.

Learned counsel for the respondents submits that if the application of the petitioner is still pending, the same will be disposed of by the District Magistrate, Bhojpur at Ara within a time frame.



This Court is dismayed to find that the licence of the petitioner was firstly cancelled on the basis of a misconceived report and now in spite of specific remand order by the Commissioner, the matter is pending since 2013.

In the circumstances, Respondent no. 3, the District Magistrate, Bhojpur is directed to dispose of the application of the petitioner in accordance with law, after examining the fresh report within a period of four weeks.

This writ application is, accordingly, disposed of.

(Dinesh Kumar Singh, J)

anil/-

U			
---	--	--	--

