

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17025 of 2017

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Ashok Kumar Bhagat, son of Late Baldev Bhagat, resident of Village-Mehandiganj, P.S.- Mehandiganj, District- Patna.

.... Petitioner.

Versus

1. The State of Bihar through the Collector, Patna.
2. The Collector, Patna.
3. The District Arms Officer, Patna.
4. The Superintendent of Police, Patna.
5. The Dy. Superintendent of Police, Patna City, Patna.
6. The Station House Officer of Mehandiganj Police Station, Patna City, Patna.

.... Respondents.

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Appearance :

For the Petitioner : Mr. Ashok Kumar Jha, Advocate
For the Respondents : Md. N. H. Khan, SC-1
Mrs. Babita Kumari, AC to SC-1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 21-08-2018

Heard Mr. Ashok Kumar Jha, learned counsel for the petitioner and Mrs. Babita Kumari, learned AC to SC-1.

The present writ application has been filed for a direction to Respondent No. 3, District Arms Officer, Patna to release the N.P. Bore Rifle, bearing No. AB044372, of the petitioner which was deposited by the petitioner in pursuance to the order dated 23.09.2015 passed by Respondent No. 2, the Collector, Patna, as contained in Annexure-1.

From perusal of order dated 23.09.2015



issued vide Memo No. 84 dated 24.09.2015, under the signature of District Election Officer –cum- District Magistrate, Patna on the eve of Legislative Assembly Election, 2015, the arms licence holders were given several opportunities for verification of their arms and on verification of the arms, the office of Superintendent of Police, Patna vide letter No. 544/Election dated 21.09.2015 intimated to the District Magistrate about tainted licence holders as well as dead persons in favour of whom the arms licence still exists and after screening the same, in exercise of power under Section 17(3)(a) of Arms Act, 1959, the arms licence of 39 persons including the petitioner's arms licence for N.P. Bore Rifle was cancelled. The name of the petitioner appeared at Serial No. 27, but it does not appear that the petitioner has challenged the said order till date.

It is submitted by learned counsel for the petitioner that the licence of the petitioner has been cancelled under mis-conception treating the petitioner to be a dead person. The order of the District Magistrate reflects that the licence of only such persons are cancelled who are dead.

In considered view of this Court the licence of the petitioner has been cancelled in exercise of power conferred under Section 17(3)(a) of the Arms Act, 1959, which is appealable



under Section 18 of the Arms Act, 1959.

In the circumstances, the petitioner is given liberty to challenge the said order, if so advised, in appeal along with the application for condonation of delay within a period of three weeks of the receipt of a copy of this order. If such appeal is filed by the petitioner it is expected from the Appellate Authority to consider the application for condonation of delay in view of the fact that the writ application of the petitioner was pending before this Court.

Accordingly, this writ application is disposed of.

(Dinesh Kumar Singh, J)

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