

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2327 of 2018

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Deepak Prasad Singh, Son of Sri Krishna Prasad Singh, resident of Village-
Barma Thamman Bigha, P.S.- Sherghati, District- Gaya.

.... Petitioner.

Versus

1. The State of Bihar.
2. The District Magistrate, Gaya.
3. The District Arms Magistrate, Gaya.
4. The Superintendent of Police, Gaya.
5. The Officer in Charge, Sherghati Police Station, District- Gaya.

.... Respondents.

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocete
Md. Javed Jafar Khan, Advocate
For the Respondent/s : Mr. P.K. Verma, AAG-3
Mr. Suman Kumar Jha, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 21-08-2018

Heard Mr. Arvind Kumar Singh, learned

counsel for the petitioner and Mr. Suman Kumar Jha, learned AC
to AAG-3.

The present writ application has been filed for
quashing the order dated 13.08.2010 passed in Case No. 18 of
2009 by Respondent No. 2, the District Magistrate, Gaya, whereby
the petitioner's application for grant of licence for N.P. Bore Rifle
has been rejected.

The grandfather of the petitioner, late
Bachchu Prasad Singh was a licensee of Arms licence No. 99. The
licensee died on 14.03.1992 but the petitioner could locate the



licence and gun in the year 2000. On 03.07.2000, the petitioner submitted an application before the licensing authority, District Magistrate, Gaya for deposit of the said arms. Subsequently, the District Magistrate, Gaya vide order dated 07.07.2000 granted permission for depositing the arms. The petitioner deposited the arms on 26.07.2000. But since the petitioner is a resident of an area infected with extremists, he submitted application on 06.01.2001 before the licensing authority, District Magistrate, Gaya for grant of arms licence but the same was kept pending till 2008 leading to filing of C.W.J.C. No. 16850 of 2008. The said writ application was disposed of by a Bench of this Court vide order dated 05.02.2009, as contained in Annexure-8 wherein the licensing authority was directed to take a decision on the application of the petitioner within a period of six months, but when the order of this Court was not complied by the licensing authority. Thereafter, the petitioner preferred contempt application being M.J.C. No. 2035 of 2010 which was disposed of, since the final order got passed by the licensing authority.

Learned AC to AAG-3 submits that the impugned order is appealable under Section 18 of the Arms Act, 1959.

It appears from the factual detail recorded



above that after eight years of the death of the licensee, the petitioner surrendered the arms and made an application for grant of licence. Though copy of the original licence has not been brought on record but it appears from the pleadings of the writ application that the licensee (the grandfather of the petitioner) was holder of single barrel gun, whereas the petitioner made application for grant of arms licence for N.P. Bore Rifle after eight years of the death of the original licensee. The petitioner came to know about passing of the impugned order by the licensing authority in 2015 itself when M.J.C. No. 2035 of 2010 was disposed of vide order dated 25.03.2015 and the petitioner was given liberty to challenge the said order, but the present writ application has been filed almost after about three years of the disposal of the contempt application and eight years after passing of the impugned order. In the circumstances, this Court is not inclined to interfere on two grounds; firstly that the petitioner has challenged the order after eight years and secondly, on the ground that there is a statutory provision of appeal under Section 18 of the Arms Act, 1959.

In view of the discussions made above, this writ application is disposed of with liberty to the petitioner to prefer an appeal along with the application for condonation of



delay within a period of three weeks, when the Appellate Authority will consider the appeal along with the application for condonation of delay in accordance with law.

(Dinesh Kumar Singh, J)

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