

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9072 of 2017

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Roshan Goyal, S/o Late Radhe Shyam Agrawal, Resident of Pusp Bihar Apartment, Exhibition Road, P.S. Gandhi Maidan, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through Home Secretary, Govt. of Bihar.
2. Divisional Commissioner, Patna Division, Patna.
3. District Magistrate, Patna.
4. Senior Superintendent of Police, Patna.
5. Additional District Magistrate (Arms), Patna.
6. District Arms Magistrate, Patna.
7. Sub-Divisional Officer, Sadar, Patna.
8. S.H.O. Gandhi Maidan Police Station, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. B.N. Pandey, Advocate
Mr. Hansa Jha, Advocate

For the Respondent/s : Mr. Sheoshankar Prasad, SC-8
Mr. Harshvardhan Shivsundaram, AC to SC-8

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 24-09-2018

Heard Mr. B. N. Pandey, learned counsel for the petitioner and Mr. Harshvardhan Shivsundaram, learned AC to SC-8.

The present writ application has been filed for a direction to Respondent No. 3, District Magistrate, Patna –cum- Licensing Authority under the Arms Act to take a final decision on the application of the petitioner submitted on 08.12.2014 for grant of arms licence for N.P. Bore Revolver/Pistol. Such application was submitted in view of the fact that the father of the petitioner



was killed leading to registration of Pirbahore P.S. Case No. 100 of 2010, dated 05.04.2010 registered with accusation under Section 302 of the Indian Penal Code and Section 27 of the Arms Act.

Through the counter affidavit filed on behalf of Respondent No. 3, District Magistrate, Patna, the order dated 07.09.2017 has been brought on record, whereby petitioner's application for grant of licence has been rejected on the ground that such grant will not be in the interest of public peace and public security. The writ application was registered on 03.07.2017 and it appears that for filing the counter affidavit the impugned order has been passed, which suggests the callous manner in which the office of the licensing authority is functioning. Though, the order passed by the District Magistrate suggests that the copy of the order was transmitted to the petitioner but the petitioner suggests that the order has never been received by him nor any communication was supplied to the application submitted with regard to the information of taking decision on the application of the petitioner, which is still pending.

Since statutory remedy of appeal has not been availed by the petitioner, this Court is not inclined to interfere. If the petitioner files requisition for supply of certified copy of the



order the District Magistrate will see personally that it should be supplied within 48 hours of the filing of the requisition and on receipt of the order if the petitioner files an appeal before the Divisional Commissioner, Patna within a period of three weeks from the date of receipt of a copy of this order along with application for condonation of delay then it is expected from the Appellate Authority to consider the same in accordance with law expeditiously preferably within four weeks.

Accordingly, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

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