

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17866 of 2018

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Mithilesh Kumar Nishad, S/o Suresh Mukhiya, Resident of Village-
Tilathi, Ward No. 3, Beldaur, P.O. P.S.- Beldaur, District- Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary Government of Bihar.
2. District Magistrate, Khagaria.
3. Superintendent of Police, Khagaria.
4. Sub-Divisional Officer, Gogri, Khagaria.
5. Officer-in-Charge, Police Station, Beldaur, District- Khagaria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Chandra
For the Respondent/s : Mr. P.K.Verma -Aag3

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

02/ 25-09-2018

Heard Mr. Rakesh Chandra, learned counsel for
the petitioner and Md. Sanjay Kumar Ghosarvey, learned AC to
AAG-3.

The present writ application has been filed for
quashing the order dated 25.03.2017 passed in Arms Licence Case
No. 24 of 2017 passed by Respondent No. 2, District Magistrate,
Khagaria, whereby the application of the petitioner for grant of
licence for N.P. Bore Rifle has been rejected.

It is submitted by learned counsel for the
petitioner that the application of the petitioner has been rejected on
the ground that the petitioner is not having any threat perception.
Such ground is alien under Section 14 of the Arms Act, 1959 and



rejection of the application for grant of arms licence on the ground of not having any threat perception has been deprecated in numerous decisions. But this Court is not inclined to interfere at this stage since the petitioner is having the alternative efficacious remedy of appeal under Section 18 of the Arms Act, 1959 against the order passed by the licensing authority.

In the circumstances, the petitioner is given liberty to prefer an appeal before the Appellate Authority, i.e., Divisional Commissioner, Munger within a period of three weeks from the date of receipt of a copy of this order along with application for condonation of delay. It is expected from the Appellate Authority to consider the application for condonation of delay in view of the fact that the writ application was pending before this Court. It is further expected from the Appellate Authority to decide the appeal preferably within a period of six weeks of its filing.

With the above liberty, this writ application is disposed of.

(Dinesh Kumar Singh, J)

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