

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17546 of 2018

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Praveen Chaudhary, Son of Late Chandra Shekhar Chaudhary, Resident of
Village- Dhunupura, P.S.- Ara Town, District- Bhojpur (Ara).

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate-cum-Arms Magistrate, Bhojpur at Ara.
2. The Superintendent of Police, Bhojpur at Ara.
3. The Sub-Divisional Officer, Ara Town, Bhojpur at Ara.
4. The Deputy Superintendent of Police, Ara, Bhojpur, Ara.
5. The Inspector of Police-cum-S.H.O., Ara Town, Bhojpur at Ara.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.
For the Respondent/s : Mr. Md. Ndeem Seraj, GP-5
: Ms. Shalini, AC to GP-5

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 11-09-2018

Heard Mr. Manoj Kumar, learned counsel for

the petitioner and Ms. Shalini, learned AC to GP-5.

The present writ application has been filed for setting aside the order dated 26.05.2018 passed in Arms License Case No. 04 of 2018 by Respondent No. 1, District Magistrate, Bhojpur at Ara, whereby the application of the petitioner for grant of arms licence for N.P. Bore Rifle has been rejected.

It is submitted by learned counsel for the petitioner that the licensing authority has not considered the provision under Rule 25 of Arms Rules, 2016 which stipulates that preference has to be given to the heirs/nominee of the licensee



since the father of the petitioner was licensee from before.

Keeping in view the settled principle of law that the discretionary jurisdiction under Article 226 of the Constitution of India can in normal circumstances not be exercised, where there is availability of alternative remedy of appeal. In the present case, the petitioner has a statutory remedy of appeal under Section 18 of the Arms Act, 1959.

In the circumstances, the petitioner is at liberty to prefer an appeal before the Appellate Authority 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 after condoning the delay in filing the appeal within a period of two months of its filing.

With the above observation and liberty, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

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