

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19005 of 2018

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Sudama Prasad, S/o Late Narain Mahato, Resident of Village- Murarapur, Post
– Katara, P.S.- Korama, District – Sheikhpura.

... .. Petitioner/s

Versus

1. The State Of Bihar,
2. The District Magistrate, Sheikhpura,
3. The Superintendent of Police, District - Sheikhpura

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad

For the Respondent/s : Mr. Ajay Kumar, AC to GP 4

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-10-2018 Heard learned counsels for the parties.

The present writ application has been filed for setting aside the order dated 11.7.2018 passed by Respondent No. 2, District Magistrate, Sheikhpura, as contained in Annexure 2, whereby on the recommendation of Respondent No.3, the Superintendent of Police, Sheikhpura, licence in the name of the petitioner bearing no. 39/2002 for NP Bore rifle has been suspended and the petitioner has been directed to file reply to the show cause within one week as to why his licence be not cancelled. In the alternative, prayer has been made for a direction to the respondent authorities to take a decision in the matter on the basis of cause shown by the petitioner in pursuance to order, as contained in Annexure 1.

Since the petitioner has alternative remedy of appeal against the impugned order, learned counsel for the petitioner



confines the prayer only to the extent of direction to the respondent authority to take a decision on the basis of reply filed by the petitioner.

It is submitted by learned counsel for the petitioner that in pursuance to the order, as contained in Annexure 2, the petitioner submitted reply before the Respondent No. 2, District Magistrate, Sheikhpura on 21.7.2018, which has been brought on record, as contained in Annexure 3, but no decision in this regard has been taken till date.

It is submitted AC to GP 4 that at present he is not having any instruction whether any decision has been taken on the reply to the show cause submitted by the petitioner or not but if any decision has not been taken till date, the same will be taken within a reasonable time frame.

From the impugned order, it appears that there was gun firing between two rival groups of the area and it is alleged that the petitioner used to supply cartridges to them and on that basis Respondent No.3, the Superintendent of Police, Sheikhpura recommended for cancellation of the petitioner's licence. Consequently, the licensing authority suspended the licence of the petitioner and further, directed the petitioner to show cause as to why his licence be not cancelled.



Without expressing any opinion on the merit of the case, in view of the confined prayer of learned counsel for the petitioner, it is expected from the Respondent No. 2, District Magistrate, Sheikhpura to take a final decision in the matter considering the reply to the show cause filed by the petitioner within a period of four weeks from the date of receipt/production of a copy of this order.

With the aforesaid observation/direction, this writ application is disposed of.

(Dinesh Kumar Singh, J)

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