

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13117 of 2018

=====

Nirbhay Kumar Singh, Son of Late Sachida Nand Singh, Resident of
Village - Bandhua (Mahdipur Campus, Manpur), P.S. - Muffasil, District
Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Patna.
2. The Commissioner, Magadh Division, Gaya.
3. The District Magistrate, Gaya.
4. The Arms Magistrate, Gaya.
5. The Sub Divisional Magistrate, Gaya.
6. The Senior Superintendent of Police, Gaya.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Onkar Nath, Advocate

For the Respondent/s : Mr. Nadeem Seraj- GP5

Mr. Shailesh Kumar, AC to GP-5

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 23-07-2018

Heard Mr. Onkar Nath, learned counsel for

the petitioner and Mr. Shailesh Kumar, learned AC to GP-5.

The present writ application has been filed with a prayer for quashing the order dated 03.05.2018 passed by Respondent No. 3, District Magistrate, Gaya, as contained in Annexure-6, whereby the petitioner's application for grant of licence for DBBL gun has been rejected.



It is submitted by learned counsel for the petitioner that the application of the petitioner was pending since long, the petitioner had moved before this Court by filing C.W.J.C. No. 18044 of 2017 when this Court vide order dated 22.03.2018 directed the licensing authority, District Magistrate, Gaya to dispose of the application within a period of four weeks keeping in view the heirloom policy incorporated under Rule 25 of the Arms Rules, 2016, which stipulates about preference to be given for grant of arms licence to the heirs/nominee of the licensee, but without having given a consideration to Rule 25 of Arms Rules, 2016, the impugned order has been passed.

In view of this Court, a writ application is maintainable, when no alternative or efficacious remedy is available, while in the present case, the order passed by the licensing authority under Section 14 of the Arms Act, 1959 is appealable under Section 18 of the Arms Act, 1959. In the said circumstances, this Court is not inclined to interfere, since the petitioner has approached this Court without exhausting the alternative remedy of appeal.

Accordingly, the writ application is disposed of with liberty to the petitioner to prefer an appeal within a period of three weeks, before the Appellate Authority along with



application for condonation of delay in filing the appeal and the Appellate Authority will consider the condonation of delay, since the writ application was pending before this Court and the Appellate Authority shall decide the appeal by considering all the contentions raised, within a period of six weeks of its filing.

(Dinesh Kumar Singh, J)

DKS/-

U			
---	--	--	--

