

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7152 of 2017

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Yogendra Sah S/o Late Nathu Sah, resident of House No. D/4, Shakuntala Nagar, Chanmari Road, New Mubarakpur, Danapur Cantt, P.S.- Sahpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District General of Police, Bihar, Patna.
3. The Commissioner, Patna Division, Patna.
4. The District Magistrate-cum-Licensing Authority of Arms, Patna.
5. The District Arms Magistrate, Patna.
6. The Additional District Arms Magistrate, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Chandra Mauli Chaurasia
For the Respondent/s : Mr.Manish Kumar-Gp4

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 01-05-2019 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

2. Initially this writ petition was filed by the petitioner for a direction to the respondents to renew arms license of the petitioner being arms licence No. 329/Feb/2000/Mil/FZR of 12 Bore Single Barrel Gun.

3. During the pendency of the writ application, the petitioner has challenged the cancellation of his arms license by way of amendment, I.A. No. 8523 of 2018.

4. After coming into force 2016 Rules, the respondents started process of verification of arms license under



the National Data Base of Arms License. A general notice was issued in the news paper and on failure to produce arms license for verification, the respondents took decision to cancel the arms license.

5. Annexure-17 which is part of the I.A. No. 8523 of 2018 dated 24.10.2017 is the order passed by the District Magistrate, Patna in purported exercise of power under Rule 2016 framed under the Arms Act.

6. Learned counsel for the petitioner submits that petitioner was not served any notice individually and without opportunity of effective hearing to the petitioner, the arms license of the petitioner was rejected.

7. Learned counsel for the respondents submits that before passing the order dated 24.10.2017 the petitioner was issued notice on 22.12.2016 and 27.12.2017. learned counsel for the petitioner disputes that such notice was ever served on the petitioner.

8. In view of the aforesaid dispute and there is no positive document or materials to establish that notice dated 22.12.2016 and 27.12.2017 was served on the petitioner.

9. Considering the totality of the facts situation and also considering the fact that respondents took extreme action



without service of notice and without effective opportunity of hearing to the petitioner, the arms license was not renewed by the District Magistrate vide order contained in Memo No. 2074 dated 24.10.2012. Thus, the Court is of the view that the order dated 24.10.2017 is violative of the principles of natural justice and the general notice in the newspaper does satisfy the requirement of notice under the Arms Act. Accordingly, Annexure-17 is quashed. The matter is remitted back to the Collector, Patna to consider afresh the claim of the petitioner for renewal gun license within a period of two months after general election.

10. The entire exercise depends upon the petitioner deposit of gun before the authorized gun dealer within a period one week from today.

11. With the aforesaid, the writ petition stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

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