

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No. 965 of 2017

Arising out of

Civil Writ Jurisdiction Case No. 4421 of 2015

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Shadabul Haque aged about 45 years Son of Late Capt. S.M.A. Haque,
resident of Haque Manzil, Bans Kothi, Digha Ghat, P.O. + P.S.- Digha,
District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. District Magistrate-cum-District Arms Magistrate Patna.
3. Sanjay Kumar Agrawal, District Magistrate, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : None

For the State : Mr. Sanjay Kumar Ghosarvey, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN

AMANULLAH

ORAL JUDGMENT

Date : 28-08-2019

Nobody appears on behalf of the petitioner. Learned AC
to AAG 3 for the State is present.

2. The application has been filed alleging non
compliance of the judgment dated 17.09.2015 passed in CWJC
No. 4421 of 2015.

3. The writ petition was disposed off in the following
terms:

*“The matter is remitted back to the
District Magistrate-cum-licensing authority, Patna
to take decision in accordance with law and also*



*considering the decision of this Court rendered in **CWJC No. 18535 of 2011 (Manish Kumar Vrs. State of Bihar)** and other analogous cases as well as existing Family Heirloom policy. It is expected that the entire exercise would be completed within a period of three months from the date of receipt/production of a copy of this order.”*

4. From the show cause filed on behalf of opposite parties no. 1 and 2, it transpires that the application of the petitioner for grant of arms licence has been rejected.

5. Thus, technically, the order of the writ Court may have been complied by the authorities but the direction was for considering the application in terms of the existing Family Heirloom Policy as also the decision rendered in CWJC No. 18535 of 2011 in the case of **Manish Kumar Vrs. State of Bihar and other analogous cases**, but the sole ground of rejection is that the other heirs of the deceased father of the petitioner had not appeared before the District Magistrate, Patna along with their individual affidavit. On this, the Court would only observe that if such contention is met, the application for grant of licence to the petitioner shall be reconsidered by the District Magistrate, Patna and the order passed by him contained in Memo No. 1146 dated 08.07.2017, copy of which has been made Annexure-C to the supplementary show cause filed on behalf of opposite party no. 2, shall not come in the way of such consideration.



6. The application stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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