

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13203 of 2017

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Manendra Dubey Son of Kritya Nand Dubey Resident of Village - Baraki Basauli, P.S. - Buxar T, District - Buxar, at present Sugar Mill Buxar, District - Buxar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. District Magistrate, Buxar.
3. The Superintendent of Police, Buxar.
4. The Sub-Divisional Officer, Buxar.
5. The Officer-in-charge, P.S. - Buxar T, District - Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Damodar Prasad Tiwary
For the Respondent/s : Mr.Parth Sarthi- Ga4

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

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

Earlier the petitioner had approached this Court by filing CWJC No. 13963 of 2016 and vide order dated 28.11.2016 the writ petition was allowed and the order refusing renewal of licence was quashed and set aside. The matter was remitted back to the licensing authority to take a fresh decision. After the order dated 28.11.2017 the Collector had passed order dated 29.6.2017, as contained in Annxure-6 refusing renewal of licence on the ground that he has no threat perception.

The treat perception cannot be allowed to be a ground



for grant or refusal of arms licence. Time and again this Court has deprecated rejection of gun licence only on the ground of threat perception. It appears that now only consideration in the State of Bihar is threat perception for grant of arms licence. Notwithstanding the order contained in Annexure-5, the Collector, Buxar perpetuated the illegality which was noticed by this Court and quashed by this Court vide order Annexure-5.

Considering the aforesaid, the order dated 29.6.2017 passed by the District Magistrate, respondent No. 2, as contained in Annexure-6 is quashed. The matter is remitted back to the Collector, Buxar to take fresh decision in the light of the judgment of the Division Bench reported in **2019(1) PLJR 664** and Rule 25 of the 2016 Rules. Necessary decision in this regard must be taken within four months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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