

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3284 of 2018

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Abu Arshad S/o-Abu Fazal, Resident of -M.G. Road, Behind Rashmi Sweets,
P.O. P.S.-Khagaria, Ward No. 20, District-Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. District Magistrate, Khagaria.
3. Divisional Commissioner, Monghyr.
4. Additional District Magistrate, Arms, Khagaria.
5. District Arms Magistrate, Khagaria.
6. Superintendent of Police, Khagaria.
7. Sub-Divisional Officer, Khagaria.
8. S.H.O. Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Manisha Pandey
		Ms. Sweta Pandey
For the Respondent/s	:	Mr. S.K. Sharma-Aag3

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 15-05-2019 Prima facie the order rejecting the application of the petitioner for grant of arms license appears to be arbitrary exercise of power.

The arms license of the petitioner was refused on the solitary ground of lack of threat perception. This Court is repeatedly quashing such order refusing grant of arms license for lack of threat perception and directed the District Magistrate for reconsideration of application for grant of arms license yet the District Magistrate is maintaining one and the same ground for refusing the arms license.



Learned counsel appearing on behalf of the respondent submits that the order passed by the District Magistrate is in accordance with law and therefore, this Court should not exercise jurisdiction moreover there is appellate forum.

The availability of the appellate forum does not exclude the jurisdiction of the court it is for convenience that the court uses to avoid entertaining the writ application in case where there exist alternative remedy.

Since the order of District Magistrate on the face value is totally non application of mind same consideration of Rule 2016, the Court is constrained to direct District Magistrate, Khagaria to take fresh decision for grant of arms license within a maximum period of sixty days after general election.

The order dated 14.11.2017 contained Annexure-4 shall not cause any prejudice in the matter of taking fresh decision by the licensing authority.

In view of the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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