

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17754 of 2017

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Vijay Prasad Singh Son of Ram Lakhan Singh, Resident of Village- Kondi,
Police Station- Pandarakh, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, General Administration
Department Bihar, Patna
2. The Divisional Commissioner, Munger Division, Munger.
3. The District Magistrate, Begusarai.
4. The Superintendent of Police, Begusarai.
5. The Arms Magistrate, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Niranjan Kumar
For the Respondent/s : Mr. Anshuman Singh, AC to AG

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 22-11-2019

The present writ petition has been filed for quashing the order dated 28.9.2015 passed by the District Magistrate, Begusarai whereby and whereunder the arms licence of several persons along with the petitioner have been cancelled on the ground that despite a public notice issued in the newspaper, the said persons had failed to approach the concerned authorities for physical verification of their arms. The petitioner has further challenged the appellate order dated 17.5.2017 passed by the



Commissioner, Munger Division, Munger whereby and whereunder the appeal of the petitioner has been dismissed on the pretext that the arms licence of the petitioner was valid only upto to the year 2012 and had been verified only in the year 2005.

2. The learned counsel for the petitioner has submitted that the petitioner is a sub-inspector of police in the Railway Protection Force and since he was on training at Jamalpur on the date on which the notice was published in the newspaper at Begusarai, he did not have knowledge about the same and therefore, he could not appear before the concerned authorities for physical verification of his arms. It is further submitted that the order dated 28.9.2015 has been passed by the District Magistrate, Begusarai in violation of the principles of natural justice inasmuch as ample opportunity has not been granted to the petitioner to put forth his case and moreover, no notice has been served upon his registered address. It is further submitted that Annexure-5 to the writ petition would bear it out that the licence of the petitioner has been renewed upto the year 2015.

3. Per contra, the learned counsel for the Respondents-State has submitted that the Commissioner, Munger Division, Munger in his impugned order dated 17.5.2017 has fully considered the



case of the petitioner and the same is a just and legal order.

4. I have heard the learned counsel for the parties and I find that prior to cancellation of the arms licence of the petitioner, the petitioner was not granted appropriate and ample opportunity to represent his case resulting in violation of the principles of nature justice, especially, in view of the fact that if the petitioner had failed to turn up in pursuance to the public notice issued in the newspaper, it was incumbent upon the District Magistrate, Begusarai to have issued a show cause notice to the petitioner before passing the impugned order dated 28.9.2015. This Court further finds that the appellate order dated 17.5.2017 also suffers from an error of record inasmuch as the licence of the petitioner was valid not up to the year 2012 but upto the year 2015 and in case, it was valid only upto the year 2012, the case would have been different and the learned Commissioner would have been justified in cancelling the arms licence of the petitioner.

5. Having regard to the facts and circumstances of the case and for the reasons mentioned hereinabove, the present writ petition stands allowed and accordingly, the order dated 28.9.2015 passed by the District Magistrate, Begusarai as also the order dated 17.5.2017 passed by the Commissioner, Munger



Division, Munger are set aside.

(Mohit Kumar Shah, J)

ajay gupta/-

AFR/NAFR	NAFR
CAV DATE	NA
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