

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17785 of 2016

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Gopi Raman Son of late Tap Narayan Singh Resident of Village- Shohansa,
P.S.- Deoria, District-Muzaaffarpur Petitioner/s

Versus

1. The State of Bihar.
2. The Commissioner, Tirbut Division, Muzaffarpur
3. The District Magistrate-cum-Collector, District-Muzaffarpur
4. The Deputy Collector Arms Nazarat Collectorate, Muzaffarpur
5. The Superintendent of Police , Muzaffarpur
6. The Officer-in-charge, P.S.-Deoria, District-Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Upendra Kumar Chaubey
For the Respondent/s : Mr.Partha Sarthi- Ga4

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 08-05-2019 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

The arms license of the petitioner was cancelled on
the ground that petitioner has not been able to produce the arms
licence for verification despite notice in the newspaper.

After cancellation of license, the petitioner
approached the Commissioner, Tirhut Division, appellate
authority. The Commissioner dismissed the appeal, saying that
the cancellation of arms license was justified.

The issue raised in the present writ application is no
more res integra.

This court considering the case of similarly



circumstanced arms licensee has held out that requirement of notice for cancellation of arms license under section 17 of the Act is individual and personal and general notice in the newspaper does not serve the purpose of the requirement of personal notice and hearing.

Since petitioner's gun license was cancelled on account of fact that requisites paper was not furnished by the petitioner in response to the newspaper publication, the Court is of the view that the licensing authority is required to take fresh decision after opportunity of hearing to the petitioner in accordance with provision of section 17 of the Arms Act. Accordingly, the order contained in Annexure-3 and 4 is quashed. However, after quashing of the order, gun license shall revive after general election.

The quashing of Annexure-3 and 4 will not dis-entitle the competent authority to take steps for cancellation of gun license after opportunity of hearing to the petitioner and if there is case of abuse of arms license by the writ petitioner.

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

(Anil Kumar Upadhyay, J)

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