

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1135 of 2017

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Md. Sagir Alam S/o - Late Samsuddin, R/o - moh - Chhoti Nagla, P.O. - Patna
City, P/S - Malsalami, District - Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. District Magistrate, Patna.
3. District Arms Magistrate, Patna.
4. Additional District Magistrate Arms, Patna.
5. Divisional Commissioner, Patna.
6. Sr. Superintendent of Police, Patna.
7. Sub-Divisional Officer, Patna City.
8. Circle Officer, Patna Sadar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar
For the Respondent/s : Mr. Md. Nashrul Hoda Khan-Sc1

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 15-05-2019 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

Petitioner is aggrieved by the inaction on the part of
Circle Officer, Patna Sadar, Patna and consequently refusal of
grant of arms license by the District Magistrate, Patna.

The father of the petitioner was the original licensee
after his death the arms was deposited with M/s. City Fire Arms,
Patna on 15.06.2010, thereafter, the petitioner applied for
D.B.B.L. gun license alongwith the affidavit on 03.07.2013 but
the matter remained pending for more than a year, the petitioner



thereafter, preferred C.W.J.C. No. 18326 of 2015 before this Hon'ble Court, the matter was disposed of vide order dated 07.12.2015. The petitioner thereafter approached the licensing authority on 01.02.2016 Arms Magistrate asked the petitioner to appear before the District Magistrate on 18.02.2016, petitioner appeared before the District Magistrate and submitted written submission on 13.02.2016. On 30.07.2016 he was asked to submit the family tree. The mother of the petitioner applied for issuance of certificate before the Circle Officer, Patna Sadar, Patna but the Circle Officer, Patna set tight over the matter and as a result of the inaction of the Circle Officer, Patna the required certificate of Family Tree was not issued. In the meantime, the application for arms license of the petitioner was rejected by the District Magistrate.

Considering the totality of the facts situation, the Court is of the view that for grant of gun license certificate of family tree by the Circle Officer was necessary and license was refused due to no production of family tree certificate. In order to give finality to the claim of the petitioner for grant of gun license, the Court deem it fit and proper to direct the Circle Officer, Patna to issue the certificate of family tree within a maximum period of 60 days from the date of receipt/production



of copy of this order. After receipt of family tree certificate by the Circle Officer, Patna the petitioner may file fresh application for grant of license and the District Magistrate is required to pass appropriate order on the application submitted by the petitioner within a maximum period of four months from today. While taking decision the District Magistrate, Patna shall not be influenced by any observation or decision in the previous proceeding.

With the aforesaid, the present writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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