

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1526 of 2017

Mithilesh Kumar Singh Son of Shri Ashok Kumar Singh, Resident of Mohalla
- Bada Telpa, Nai Basti, P.S. Town Thana, District - Chapra

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner, Saran Division, Chapra
3. The District Magistrate Cum Collector, Saran at Chapra
4. The Superintendent of Police, Saran at Chapra
5. The Senior Deputy Collector, District Legal Cell, Saran at Chapra
6. The Sub Divisional officer, Sadar, Chapra
7. The Police Inspector Cum Officer - in - Charge of Town Police Station,
Chapra

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ramchandra Sahni, Advocate
For the Respondent/s : Mr.Md.Harun Quareshi, AC to SC 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 15-05-2019 Heard learned counsel for the petitioner and the
State.

The Court is flooded with the writ petition seeking quashing of the order of rejection of application for grant of arms licence and in almost all the cases the ground of rejection is lack of threat perception. Regularly this Court is quashing such order issuing direction to the licensing authority to pass fresh order indicating that threat perception is not a solitary ground for grant of arms licence, yet the District Magistrates are passing the order of rejection on the same ground. In the instant case also the petitioner has approached this Court seeking quashing of rejection order on that ground.

The Court noticing the fact that the ground of



rejection was already quashed holding that the rejection on the ground of lack of threat perception is unsustainable yet the licensing authority perpetuated the same illegality in rejecting the gun licence on the ground of lack of threat perception. Prima facie, the Court finds that such action of rejection on the same ground is not sustainable and is contempt, yet in order to grant one more opportunity to take corrective measure, the Court deems it fit and proper to remand the matter back to the District Magistrate to take a fresh decision in the matter of grant of gun licence to the petitioner within a period of 60 days after the General Parliamentary Election.

It is made clear that the gun licence of the petitioner shall not be refused on the ground of lack of threat perception. The District Magistrate has to apply his mind in the light of the 2016 Rules and the judgment of the Division Bench reported in 2019(1) PLJR 664.

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

(Anil Kumar Upadhyay, J)

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