

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24814 of 2013

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Rishikesh Kumar Rai Son Of Shri Hirendra Nath Rai Resident Of Village
Sagara, P.S. Rajpur, District Buxar

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner, Patna Division, Patna
3. The District Magistrate, Buxar
4. The Superintendent Of Police, Buxar
5. The District Arms Magistrate, Buxar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Singh
For the Respondent/s : Mr.Ravi Kumar, AC to GP 13
Mr. Amresh,AC to GP 13

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 01-05-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is aggrieved by the order dated
2.8.2014 passed by the District Magistrate, Buxar in aArms
Case No. 53/2014 rejecting his application for grant of arms
licence.

From perusal of the order of the Collector, Buxar, the
court is of the view that the Collector has not applied his mind
judiciously. Under the Arms Act the Collector is vested with the
power to grant licence as a quasi judicial authority and as such
the Collector was obliged to apply the provisions of he Act
objectively. From the order dated 2.8.2014 it appears that the
application for arms licence was rejected only on the ground
that specific recommendation of the Superintendent of Police,
Buxar was not available and as such the Gun licence was



refused as there was no specific recommendation by the S.P. as to threat perception for grant of 315 N.P. Bore Rifle licence. The threat perception may be relevant factor but for that alone cannot be a ground to either refuse or to grant arms licence.

Considering the entire scheme of the Arms Act, the Court is of the view that lack of threat perception or lack of specific recommendation for grant of arms licence is no ground to refuse the arms licence. The order dated 2.8.2014 itself indicates subjective exercise of powers and as such the order dated 2.8.2014 is quashed. The matter is remanded back to the Collector, Buxar to reexamine the claim of the petitioner for grant of arms licence in accordance with the 2016 Rules and the judgment of the Division Bench reported in **2019 (1) PLJR 664**. The fresh decision by the Collector must be taken within a period of 60 days after the general Parliamentary Election.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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