

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No. 1049 of 2017

Arising out of

Civil Writ Jurisdiction Case No. 8201 of 2016

=====

Md. Mustaque, Son of Late Musha, Resident of Village- Alapur, P.S.-
Lakhisarai, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar, through Mr. Amir Subhani the Principal Secretary,
Government of Bihar.
2. Mr. Sunil Kumar, the Collector, Lakhisarai.
3. Mr. Rajesh Kumar, the District Arms Officer, Lakhisarai.
4. Mrs. Sailja Sharma, the Sub-Divisional Magistrate, Lakhisarai.
5. Mr. Ashok Kumar, the Superintendent of Police, Lakhisarai.
6. Mr. Rajesh Ranjan, the Officer-in-Charge of Police Station, Lakhisarai.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Md. Irshad, Advocate

For the State : Mr. Sanjay Kumar Ghusarvey, AC to AAG 3

=====

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 13-08-2019

Heard learned counsel for the petitioner and learned AC
to AAG 3 for the State.

2. The petitioner has moved the Court alleging non-
compliance of the order dated 20.06.2016 passed in CWJC No.
8201 of 2016.

3. By the said order, there was a direction to the District
Magistrate-cum-Licensing Authority, Lakhisarai to take a decision
upon the application of the petitioner for grant of Arms license on



its own merit and in accordance with law within a period of two months.

4. In the show cause filed today on behalf of opposite party no. 2, copy of order dated 28.07.2017 passed by the District Magistrate, Lakhisarai in Miscellaneous Arms Case No. 49 of 2016, contained in memo no. 744 dated 31.07.2017, has been brought on record in which it has been observed that since the police district of the petitioner stands transferred to the district of Sheikhpura which is also the revenue district of the petitioner, he may apply for such license in the district of Sheikhpur. The notification in support of such contention of the authority has also been brought on record.

5. Having regard to the aforesaid, the Court finds that the stand of the District Magistrate, Lakhisarai cannot be faulted as under the Arms Act, 1959, it is the District Magistrate of the district concerned who has such power. As, admittedly, the revenue as well as police district of the petitioner comes under the jurisdiction of the authorities of Sheikhpura, his application can only be considered by the Licensing Authority of district Sheikhpura.

6. In view thereof, nothing remains in the application. Accordingly, the same stands disposed off.



7. However, it shall be open to the petitioner to move afresh before the correct Licensing Authority for grant of Arms license, which shall be considered on its own merit in accordance with law within the stipulated statutory period, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	
T	

