

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No. 214 of 2017

Arising out of

Civil Writ Jurisdiction Case No.16079 of 2011

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Dhiraj Raghav, Son of Sri Raghvendra Prasad Singh, Flat No. R-B; Shiv Sadan, Road No. 8, East Patel Nagar, P.S. - Shastri Nagar, District - Patna - 800013, Permanent resident of Village and P.O. - Babhangama, Police Station - Riga, District - Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sri Sanjay Kumar Agarwal, District Magistrate, Patna.
3. Sri Rajiv Raushan, District Magistrate, Sitamarhi.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prasoon Sinha, Advocate
For the State : Mr. Sanjay Kumar Ghosarvey, AC to AAG 3

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

ORAL JUDGMENT

Date : 21-08-2019

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

2. Having considered the submissions of learned counsel for the parties and the materials on record, the present application alleging violation of the order of the writ Court dated 03.08.2015 passed in CWJC No. 16079 of 2011, stands disposed off with the observation that strictly speaking, no contempt has been committed as the District Magistrate, Patna has taken a decision on the application of the petitioner.



3. However, having said that, the Court would add that the spirit of the order of the writ Court was that a decision with regard to the application for an Arms licence to the petitioner had to be taken to its logical conclusion. What the District Magistrate, Patna has done is to forward such application to the District Magistrate, Sitamarhi for taking a decision. Law does not bar the authorities of a particular district to consider grant of Arms licence, to a person who may not be an original resident of such district, moreso when the petitioner has been living in Patna for more than 15 years.

4. Be that as it may, since the matter is still technically pending, the Court would require the Arms Magistrate, Sitamarhi to spell out all the documents/ applications the petitioner is required to submit. The same shall be done within two weeks of the petitioner or his representative appearing before the Arms Magistrate, Sitamarhi, along with a copy of this order. Upon doing so, if the petitioner finds that there is any specific information/formality/document still required to be submitted by him, he shall be at liberty to do so within the next two weeks. Upon doing so, the District Magistrate, Sitamarhi shall ensure that all formalities are completed and a final decision taken on the request of the petitioner for grant of license, in accordance with



law, within three months from the date of completion of all the formalities by the petitioner. It is hoped that the time frame indicated by the Court shall be strictly adhered to. It further goes without saying that whatever formalities the District police of either Sitamarhi or Patna are required to do, the same shall also be completed within the said period.

(Ahsanuddin Amanullah, J.)

P. Kumar

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