

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1422 of 2017

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Birendra Prasad S/o Late Gopal Prasad, Resident of Mohalla - Daudnagar,
Ward No. 12, P.S. Daudnagar, District - Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Secretary Department of Home, Govt. of Bihar, Patna
3. The District Magistrate, Aurangabad

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Singh
For the Respondent/s : Mr.Sheo Shankar Prasad- Sc8

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 01-05-2019 Heard learned counsel for the petitioner and the counsel
appearing on behalf of the State.

The grievance of the petitioner in the present application is that his arms license was cancelled by a general order contained in Annexure-8 to the counter affidavit.

By one common order, the Collector, Aurangabad cancelled the gun license of the petitioner. Passing of such general order, cancelling the gun license is unknown and contrary to the scheme of the Act. Under section 17 of the Arms Act prescribes procedure for cancellation of arms license. Any order for cancellation of gun license has grave consequences and in a case of grave consequences, strict compliance of



natural justice is must.

Since the respondents have not followed the procedure by giving notice of hearing to the individual licensee and by a general order cancelling the gun license of the petitioner by the respondents contained in Anneuxre-A cannot sustain. It is accordingly, quashed. The matter is remitted back to the District Magistrate, Aurangabad. However, gun license of the petitioner shall revive only after general election and on revival of gun licence if the petitioner satisfies the District Magistrate that arms license was never abused and he pays the prescribed fee for renewal and fine if any, liberty shall be available to the District Magistrate, Aurangabad to take appropriate action after giving opportunity of hearing to the petitioner for cancellation of gun license.

With the aforesaid liberty, the application stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

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