

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20531 of 2014

Surendra Nath Kumar Son of Late Bhagirath Kumar Resident of Village Jhandanpur , P.S. Bihpur, District - Bhagalpur, Currently residing at Mohalla Rui Dhasa Ward No. 23, District Kishanganj.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Divisional Commissioner, Purnea.
3. The District Magistrate, Kishanganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh
For the Respondent/s : Mr. Avinash Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 24-04-2019 Heard learned counsel for the petitioner and the counsel appearing on behalf of the State.

Petitioner was granted Arms license which was renewed upto 2011, thereafter the petitioner due to ailment of his wife who is subsequent died did not approach the authority in time and as such Arms license was canceled following the same petitioner has deposited the Arms in the police station.

Learned counsel for the petitioner submits that there is no case of abuse of Arms license and except delay in filing application for renewal there is no legal or factual defect in entertaining the application of the petitioner for renewal.

Learned counsel appearing on behalf of respondents submits that the gun license was not renewed as petitioner has not deposited the arms for renewal and he kept the arm without



renewal of the license and as such petitioner does not deserve any indulgence in the present proceeding. From the counter affidavit it appears that there is no allegation of abuse of privilege of arms license, the delay as explained by the petitioner appears to be genuine and as such in the peculiar fact and circumstances of the case and for the ends of justice the Court directs the District Magistrate, Kishanganj to take fresh decision for renewal of gun license, if application is filed by the petitioner within a period of one month alongwith copy of this order. The District Magistrate shall pass appropriate order in accordance with law and shall not reject the application for renewal merely on the ground of delay in filing the application.

The order passed earlier by the District Magistrate and the Appellate Authority shall not come in the way of respondent District Magistrate, Kishanganj to take fresh decision on the application filed by the petitioner within a period of 60 days after the general election.

With the aforesaid, the present writ application stands disposed of.

(Anil Kumar Upadhyay, J)

mdrashid/-

U			
---	--	--	--

