

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No. 3896 of 2016

Arising out of

Civil Writ Jurisdiction Case No. 14628 of 2013

Rameshwar Nath Mishra, Son of Late Krishna Dayal Mishra, Resident of Village - Aruhi, P.S. Kargahar, District – Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Mr. Aminesh Kumar Parasar, District Magistrate, Sasaram, Rohtas.
3. Mr. Manavjeet Singh Dhilloo, Superintendent of Police, Sasaram, Rohtas.
4. Mr. Amrendra Kumar, Sub - Divisional Officer, Sasaram, Rohtas.
5. Mr. Binod Kumar Singh, Officer-in-Charge, Kargahar Thana, District-Rohtas.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishal Saurabh, Advocate

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

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

ORAL JUDGMENT

Date : 15-07-2019

The petitioner alleges willful and deliberate violation of the order dated 28.09.2015 passed in CWJC No. 14628 of 2013.

The operative portion of the order reads thus:

“Accordingly, this writ application stands allowed. The impugned order, as contained in Annexure-1, is quashed and set aside. The matter is remitted back to the licensing authority for taking a fresh decision in accordance with law. However, it is made clear that, since no ground has been specified in the impugned order dated 08.05.2013 (Annexure-1) for refusal of licence other than the aforesaid lack of evidence regarding threat perception, thus, if there is no even subsequent to the date of the impugned order which disqualifies the petitioner either under Section 13 or 14 of the Act from getting the arms licence, the petitioner would be entitled for grant of licence as the same cannot be refused again on the selfsame ground. However, if the authority comes to the conclusion that there was some involvement of the



petitioner in some criminal cases which could not be looked into during the earlier proceeding then that can also be considered by it. It is expected that the whole exercise would be completed within two months from the date of receipt/production of a copy of this order.”

2. In terms of the order, the authorities had to take a fresh decision, in accordance with law.

3. The order dated 31.08.2018, passed by the District Magistrate, Rohtas had been brought on record in the show cause filed on behalf of the opposite party no. 2. After perusing the same, the Court does not find that there has been any violation of the order of the Court dated 28.09.2015, as the direction was only to consider the application for grant of arms licence to the petitioner. The authorities having considered and rejected the prayer can only be a fresh cause of action but cannot be construed as willful and deliberate violation of the order so as to hold them responsible and guilty of contempt.

4. In view thereof, the application stands disposed off.

(Ahsanuddin Amanullah, J.)

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