

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18099 of 2017

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Sharwan Roy @ Shrawan Roy S/o late Raj Bali Roy Resident of Village-
Bishanpura, P.S.- Sasaram, District- Rohtas.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Department of Home,
Government of Bihar, Patna
2. The Divisional Commissioner, Munger Division, Munger.
3. The District Magistrate, Khagaria.
4. The Superintendent of Police, Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Bhaskar Shankar
For the Respondent/s	:	Mr.Md.Nadeem Seraj -Gp5
		Mr. Shaildh Kumar, AC to GP-5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 22-11-2019

The present writ petition has been filed for quashing of the order dated 28.3.2017 passed by the District Magistrate, Khagaria whereby and whereunder the arms licence of the petitioner has been cancelled under the provisions contained in Section 24 (5) of the Arms Rules, 2016 on the ground that the same was not renewed in between the period 2004 to 2016. The petitioner has further sought quashing of the order dated 22.7.2017 passed by the Commissioner, Munger Division, Munger.

2. The learned counsel for the petitioner has submitted that on account of the ill health of the petitioner herein, he could not



apply for renewal of the arms licence, however, as soon as he got well, he had applied for renewal of the said arms licence, however, instead of renewing the same, the authorities have cancelled the arms licence of the petitioner. It is further submitted that the appellate order dated 22.7.2017 is also perverse and fit to be set aside inasmuch as the same has not considered the grounds raised by the petitioner for assailing the order dated 28.3.2017, passed by the District Magistrate, Khagaria.

3. The learned counsel for the respondents has supported the impugned orders, however, it is submitted that the petitioner can file a fresh application for grant of arms licence inasmuch as the matter in issue is quite old.

4. I have heard the learned counsel for the parties and considered the materials on record and I find that interest of justice would be served, in case the petitioner is granted liberty to file a fresh application for grant of arms licence on the strength of him having had a valid arms licence since the year 1981 and him being a transporter, having business interests in naxalite areas. The learned counsel for the petitioner has got no objection to the aforesaid observation of this Court.

5. Accordingly, while granting liberty to the petitioner to file



appropriate application for grant of arms licence, I deem it fit and proper to direct the District Magistrate, Khagaria to consider the fresh application to be filed by the petitioner for grant of arms licence on the merits of the same without being prejudiced either by the order dated 28.3.2017 passed by the District Magistrate, Begusarai or the order dated 22.7.2017 passed by the Commissioner, Munger Division, Munger, which are held to be having no force / value as far as the fresh application of the petitioner for grant of arms licence is concerned.

6. It is needless to state that in case, the petitioner files an application for grant of fresh arms licence within a period of four weeks from today, the same would be considered on the merits of the same and disposed of within a period of six months, thereafter.

7. The writ petition stands disposed of with the aforesaid observations and directions.

(Mohit Kumar Shah, J)

ajay gupta/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.11.2019
Transmission Date	NA

