

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13462 of 2018

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Sanjeev Kumar Singh S/o Late Sushil Kumar Singh, R/o Village- Jurawanpur
Karari, P.S.- Jurawanpur, District- Vaishali. Petitioner/s
Versus

1. The State Of Bihar
2. Commissioner Tirhut Commissionary, Muzaffarpur.
3. District Magistrate, Vaishali.
4. Arms Magistrate, Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rina Sinha
For the Respondent/s : Mr.Sheo Shankar Prasad- Sc8

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 24-04-2019 Learned counsel for the petitioner is permitted to

make necessary correction in para-1 and prayer portion during

the course of the day.

2. Petitioner is aggrieved by the order contained in

Annexure-3 and Annexure-1.

3. The Collector has rejected the application of the

petitioner on the ground that during the course of hearing, it

transpires that petitioner is doing agriculture work and any

material was not furnished for grant of license as

compassionate basis and as such his application was rejected.

4. The Commissioner in appeal has dismissed the

appeal saying that decision of the licensing authority based on

application of mind does not warrant review in appeal. He finds

no error in the order passed by the District Collector. The father



of the petitioner was holding arms license. He died on 1.9.2014. After the death of father of the petitioner, the petitioner applied for grant of license on 3.10.2014. The petitioner appeared before the Collector on different dates and finally Vide Annexure-3 dated 10.4.2018 the Collector rejected the application for grant of license in favour of the petitioner. The appellate authority instead of application of mind on the merit of the appeal has rejected the appeal saying that review of the order of the District Magistrate is unwarranted.

5. Considering the reason assigned in Annexue-3 and 1 the Court is of the considered view that the District Magistrate as well as Appellate Authority has not applied his judicial mind while exercising power of quasi judicial.

6. Accordingly, Annexures-3 and 1 are quashed. The matter is remitted back to the District Magistrate who is required to pass fresh order in the light of rule 2016 and the judgment of the Division Bench reported in **2019(1) 644**.

7. Necessary decision in this regard may be taken within a period of four months from today.

(Anil Kumar Upadhyay, J)

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