

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22805 of 2019

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Mritunjay Kumar S/o Late Kapildev Sharma, Resident of Village
Manoharpur, P.S.- Chausa, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Department of Home,
Government of Bihar, Old Secretariate Patna.
2. The Principal Secretary Department of Home, Government of Bihar, Old
Secretariate Patna.
3. The District Magistrate Madhepura.
4. The Superintendent of Police, Madhepura.
5. The District Arms Magistrate, Madhepura.
6. The Sub Divisional Police Officer Udakishunganj, District- Madhepura.
7. The Sub Divisional Officer Udakishunganj, District- Madhepura.
8. The Inspector of Police, Udakishunganj, Anchal, District- Madhepura.
9. The Station House Officer Chausa, District- Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Yadav
For the Respondent/s : Mr.Sheo Shankar Prasad (SC-8)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 10-01-2020 Heard learned counsel for the parties.

2. The District Magistrate, Madhepura by impugned
order dated 04.10.2019 has refused to grant a licence for
acquisition and possession of a fire arm (N.P. Bore Pistol),
which is under challenge in the present writ application. Section
18 of the Arms Act, 1959 (hereinafter referred to as ‘the Act’)
provides for appeal before the authority to whom the licensing
authority is subordinate. Rules have been framed under various



provisions of the Act, viz, Arms Rules, 2016, Chapter IX of which deals with an appeal under the Act and prescribes the appellate authority. It is evident from Rule 105 of 2016 Rules that Commissioner of the Division is the appellate authority against the order of the District Magistrate as licensing authority.

3. Considering the above, this application is disposed of with a liberty to the petitioner to approach the appellate authority under the Rules by filing an appeal.

4. It is indicated that if an appeal is preferred within one month from today before the concerned Divisional Commissioner, the same shall be considered on merits without rejecting the petitioner's claim on the ground of delay in filing appeal, since the petitioner was pursuing his remedy before this Court by filing present writ application.

5. This application stands disposed of.

(Chakradhari Sharan Singh, J)

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