

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23923 of 2019

=====

Ashok Kumar Singh, S/o Late Ram Chandra Singh, R/o Village-Bihat Tola
Makasaspur, P.S. Barauni, District-Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home Government of Bihar, Patna.
2. The Commissioner, Munger.
3. The District Magistrate, Begusarai.
4. The Arms Magistrate Collectorate, Begusarai.
5. The S.H.O. F.C.I., Barauni, Begusarai.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Hare Krishna Prasad
For the State	:	Mr.Ajay Kumar (AC to GP 4)
For the Respondent/s	:	Mr.Manish Kumar (GP4)

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 24-02-2020 This writ application has been filed seeking quashing of an order passed vide Memo. No. 460 dated 28.09.2015, by the District Magistrate, Begusarai, whereby the petitioner arms license no. 11/1992 has been cancelled. The said order has been brought on record by way of Annexure 1 to the writ application. It transpires from Annexure 1 that the District Magistrate, Begusarai, had cancelled 131 arms licenses, in exercise of power under Section 17(3) of the Arms Act, 1959, after issuing notices for proposed cancellation of the licenses in newspapers.

2. The petitioner was possessing an N.P. Bore rifle on the basis of the license granted in his favour.



3. This writ application has been filed on 30.11.2019, more than four years from the date when the arms license was cancelled. There is no averment in the writ application that the petitioner was not knowing about the cancellation of his arms license. On his own showing, it appears that the petitioner deposited the said rifle in the safe custody of Bharat Gun House, Begusarai, on 22.11.2018.

4. The petitioner, however, relies on the document, which has been brought on record by way of Annexure 2 to the writ application, to establish that his license was as a matter of fact renewed for the period 2018 to 2020, by the District Arms Magistrate, Begusarai.

5. Learned counsel appearing on behalf of the petitioner has submitted that the petitioner was unaware about passing of the impugned order by the District Magistrate, cancelling his license and the moment he learnt about the cancellation, he deposited the arms in Bharat Gun House in 2018, despite the fact that the license was renewed for 2018 to 2020.

6. The petitioner has relied on a decision of this Court dated 24.04.2019, passed in C.W.J.C. No. 3561 of 2019 (*Baidyanath Prasad Singh vs. The State of Bihar and others*),



whereby this Court in similar circumstance interfered with the order of the District Magistrate cancelling arms license on the ground of breach of principles of natural justice. It has been held in the said order dated 24.04.2019, that publication of notice in newspaper did not satisfy the requirements of principles of natural justice.

7. A counter affidavit has been filed on behalf of the respondent State of Bihar. It has been stated that the fact that the petitioner's license was subsequently renewed by the District Arms Magistrate has not been denied. It has, however, been stated that the petitioner has alternative remedy of appeal under Section 18 of the Arms Act.

8. Be that as it may, considering the circumstance that this Court in case of ***Baidyanath Prasad Singh*** (supra) has held that publication in newspaper only did not fulfill the requirement of principles of natural justice, in my opinion, the impugned order requires interference. The impugned order dated 28.09.2015, passed by the District Magistrate, Begusarai, is accordingly set aside. Consequently, the petitioner's arms license no. 11/1992 stands restored. The Licensing Authority shall be at liberty to proceed afresh, if he intends to cancel the petitioner's arms license for any valid



reason in accordance with law.

9. This application is allowed.

(Chakradhari Sharan Singh, J)

AKASH/-

U			
---	--	--	--

