

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25861 of 2019

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Ratna Sanjay, aged about 28 years, Genera-Male, S/o Vidyanand Mandal,
resident of Villae- Arajpur, P.S. Chausa, District-Madhepura

... .. Petitioner/s

Versus

- 1.The State of Bihar through Principal Secretary, Department of Home,
Government of Bihar, Old Secretariat, Patna
- 2.The Principal Secretary, Department of Home, Government of Bihar, Old
Secretariat Patna
3. The District Magistrate, Madhepura
4. The Superintendent of Police, Madhepura
5. The District Arms Magistrate, Madhepura
6. The Sub-Divisional 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.Md. N.H. Khan (SC-1)

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

ORAL ORDER

2 23-01-2020 Heard learned counsel for the parties.

2. An order dated 04.10.2019, passed by the District
Magistrate, Madhepura, whereby the petitioner's application for
grant of arms licence has been rejected, has been put to
challenge in the present writ application.

2. 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 the various provisions of the Act in the name of
Arms Rules, 2016, Chapter IX of which deals with 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 and 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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