

23.04.2021

WPA 9372 of 2020

Court No. 02
Item No. SL - 12
snandy

(DISPOSED OF)

Nityananda Chatterjee @ Nitai
Vs.
The State of West Bengal & Ors.

Mr. Debasis Ray, Advocate
Mr. Phiroze Edulji, Advocate

.....for the Petitioner

Mr. Jishnu Chowdhury, Advocate
Mr. Shamim ul Bari, Advocate

.....for the State

In this writ-application the petitioner has challenged the order dated September 28, 2020 passed by the District Magistrate, Purba Burdwan whereby the said District Magistrate has revoked the arms licences of the petitioner in terms of Section 17(3) of the Arms Act, 1959 (hereinafter referred as the 1959 Act).

Mr. Debasis Ray, learned Advocate appearing for the petitioner, submits that the said revocation has been made because of political rivalry and affiliation of the petitioner to a particular political party. He further submits that in passing the order impugned the District Magistrate did not afford any opportunity of hearing to the petitioner. It is the case of Mr. Ray that when by an order of an authority, a party visits with a civil consequence, it is imperative for the said authority to afford him an opportunity of hearing before passing the order.

Mr. Jishnu Chowdhury, learned Advocate appearing for the State submits that there were sufficient materials before the District Magistrate justifying revocation of the licences issued against the firearms of the petitioner. He further submits that he intends to use affidavit disclosing

the facts and circumstances justifying the revocation of the licences.

A bare perusal of Section 17(3) of the 1959 Act does not, prima facie, indicate that there is any necessity that the person whose licence is sought to be revoked under Section 17(3) of the Act needs to be heard. The requirement of the section is that there should be a recorded reason justifying the revocation of licence and the reason should be communicated to the licence-holder, if it is not against the public interest.

I am of the opinion that since there is an appellate remedy available to the petitioner under Section 18 of the 1959 Act, the petitioner should exhaust his appellate remedy.

In that view of the matter, I dispose of the writ-application giving liberty to the petitioner to prefer an appeal before the prescribed authority appointed under Section 18 of the 1959 Act. If the said appeal is preferred before the prescribed authority, such authority shall dispose of the same within a period of six weeks from the date of filing of such appeal. The appellate authority in calculating the period of limitation shall exclude the period between the date of passing the impugned order and the date of disposal of this writ-petition.

With these observations, the writ-petition being **WPA 9372 of 2020** is disposed of.

(Kausik Chanda, J.)

