

IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE

**(Through Video Conference)**

**WPA 10778 of 2020**

Rafikul Alam  
Vs.  
The State of West Bengal & Ors.

Mr. S. Sanyal  
Ms. Priyakshi Banerjee  
... For the petitioner

Mr. Ayan Banerjee  
... For the State

The petitioner is aggrieved by an order dated 20<sup>th</sup> February, 2020 passed by the Additional District Magistrate (General), Nadia, being the respondent no.3, rejecting the petitioner's application for grant of arms licence. The order is an appealable order under the provisions of the Arms Act, 1959. In a case where the statute provides for an alternative remedy, the petitioner should avail the same. In the instant case, the time to prefer an appeal expired immediately after 15<sup>th</sup> March, 2020.

Considering the order passed by the Hon'ble Supreme Court on 8<sup>th</sup> March, 2021 in Suo Motu Writ Petition (Civil) No.3 of 2020 (**In Re: Cognizance For Extension of Limitation**), I am inclined to grant a suitable extension of time to the petitioner to avail the statutory alternative remedy.

The petitioner is directed to file an appropriate proceeding challenging the order dated 20<sup>th</sup> February, 2020 in terms of the provisions of the Arms Act, 1959 within 31<sup>st</sup> March, 2021.

In the event the petitioner files an appeal or an appropriate proceeding under the provisions of the Arms Act, 1959 within the time-frame provided, the authority concerned shall decide the petitioner's case in accordance with law without taking into consideration the limitation aspect in filing such appeal or proceedings.

Nothing further remains to be adjudicated in this writ petition. The same is disposed of accordingly without any order as to costs.

Since I have not called for any affidavits, allegations made in the writ petition are deemed to have not been admitted.

Urgent photostat certified copy of this order, if applied for, is to be given to the parties, upon compliance of necessary formalities.

**(Arindam Mukherjee, J.)**