

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3954 of 2022

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Smt. Kumari Hema Devi @ Kumari Hema Wife of Yoganandan Kumar
Yogesh Resident of Village - Gudiya, P.S. - Jadia, District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Home, Government of Bihar, Patna.
2. The Director General of Police, Government of Bihar, Patna.
3. The Divisional Inspector General, Tirhut Division, Muzaffarpur, Bihar.
4. That District Arms Magistrate, Supaul.
5. The Superintendent of Police, Supaul.
6. The Sub- Divisional Magistrate, Triveniganj, Supaul.
7. The Sub - Divisional Police Officer, Triveniganj, Supaul.
8. The Station House Officer, Jadia Police Station, Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Nikesh,Adv.

For the Respondent/s : Mr.M. Nasrul Huda Khan (Sc 1)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-12-2022 The present writ petition has been filed
seeking the following reliefs:-

“1(i). For issuance of an appropriate in the nature of CERTIORARI for setting-aside the Memo No. 311-2/Arms dated 17.11.2021 issued under seal and signature of District Arms Magistrate, Supaul whereby and whereunder he has been pleased to reject the application for arms license of the Petitioner on the ground that her application is not in accordance with Arms Rules, 2016 which came into effect from 15.07.2016 and



communicated about the decision to the Petitioner vide registered letter bearing no. RF241767225IN dated 17.11.2021 which was received on 21.12.2021.

(ii) For issuance an appropriate writ in the nature of CERTIORARI for quashing / setting-aside part of the Memo No, 1072-2/General dated 21.09.2021 in which the Petitioner's name figured at Sl. No. 69 in which it is stated that the Superintendent of Police submitted his report vide Memo No. 1921/Go dated 27.12.2012.

(iii) For issuance of an appropriate in the nature of MANDAMUS commanding and directing the Respondent Authorities specifically the Respondent No. 2 to issue arms licence to the Petitioner because she has filed application on 07.06.2012 along with all required documents and a report in favour of the Petitioner was submitted by the Superintendent of Police on 27.12.2012 and as such in the case of Petitioner arms Rules, 2016 is not applicable because it has not retrospective effect."

At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner



to file a fresh application under the provisions contained in the new Arms Rules, 2016, for grant of arms license, however, seeks a direction upon the District Magistrate, Supaul, to consider the same and pass appropriate orders, within a fixed time frame, without being prejudiced by the aforesaid order dated 17.11.2021. Liberty, so sought, is granted.

It is needless to state that in case, appropriate application is filed by the petitioner afresh for grant of arms license, in accordance with the provisions contained in the Arms Rules, 2016, within a period of four weeks from today, the same shall be considered by the District Magistrate, Supaul, in accordance with law and a reasoned and a speaking order shall be passed thereon, within a period of twelve weeks, thereafter.

The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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