

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9275 of 2021

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Chitranjan Singh Son of Late Rajendra Singh, resident of Tekari Road, P.S. Sultanpur, District-Patna and permanent resident of Village-Fatehpur, P.S. and District-Sheohar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Home Department (Police), Patna, Bihar.
3. The District Magistrate, Sheohar cum Licensing Authority under Arms Act, 1959.
4. The District Arms Magistrate, Sheohar.
5. The Licensing Authority, Sheohar.
6. The District Magistrate, Patna cum Licensing Authority under Arms Act, 1959.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sriram Krishna, Adv.
For the Respondent/s : Mr.Sheo Shankar Prasad (SC8)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 15-11-2022 The present writ petition has been filed seeking quashing of the order dated 02.07.2019, passed by the learned Commissioner, Tirhut Division, Muzaffarpur in Arms Appeal Case No. 93 of 2018, whereby and where under the appeal of the petitioner has been dismissed merely on the ground of being time barred.

The learned counsel for the petitioner has submitted that the petitioner had filed the aforesaid appeal against the order dated 01.04.2017, passed by the District Magistrate, Sheohar on 26.05.2018 and only a few days delay had occurred



in filing the appeal since the petitioner had gone out of station for the purposes of his livelihood, however, as soon as he came to know about the order dated 01.04.2017, passed by the District Magistrate, Sheohar, he filed an appeal before the learned Court of Divisional Commissioner on 26.05.2018. It is also submitted that though the petitioner had filed a petition for condonation of delay in filing the aforesaid appeal, however, the same has not been considered by the learned Court of Divisional Commissioner, Tirhut Division, Muzaffarpur, while rejecting the appeal of the petitioner on the ground of the same being time barred.

The learned counsel for the respondent State submits that in case this Court deems it fit and proper to remand the matter back to the learned Court of Divisional Commissioner, Tirhut Division, Muzaffarpur for passing appropriate orders on merits, needful would be done, forthwith.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the parties, as aforesaid, this Court, in the interest of justice, deems it fit and proper to quash the order dated 02.07.2019, passed by the learned Divisional Commissioner, Tirhut Division, Muzaffarpur in Arms Appeal Case No. 93 of



2018, since the same has not been passed on merits and remand the matter back to the learned Court of Divisional Commissioner, Tirhut Commissioner, Muzaffarpur, with a direction to him to pass a reasoned and a speaking order, in accordance with law, on merits, within a period of 8 weeks of receipt/production of a copy of this order.

The present writ petition stands allowed to the aforesaid extent.

(Mohit Kumar Shah, J)

Tiwary/Saurav

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