

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2791 of 2023

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Seefatullah @ Seefatullah Haroon Son of Khurshid Ahmad Resident of
Haroon Kothi, Haroon Nagar, P.O. and P.S. Phulwari Sharif, Distt. Patna.
... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department,
Government of Bihar, Patna.
2. The Ld. Commissioner, Patna Division, Patna.
3. The District Magistrate, Patna.
4. The Superintendent of Police, Patna.
5. The Sub-Divisional Officer, Patna Sadar, Patna.
6. The Arms Magistrate, Patna.
7. The S.H.O., Phulwari Sharif P.S., Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Abu Nasar, Advocate
For the Respondent/s : Mr.Md. Nadim Seraj (GP5)

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 23-11-2023 Learned counsel for the petitioner has filed a

supplementary affidavit bringing on record the details of the

projects completed by the petitioner.

2. Heard the parties.

3. This application has been filed for quashing of the

order dated 13.03.2020 passed by the District Magistrate, Patna

in Memo No. 1323 by which the District Magistrate has rejected

the application of the petitioner for grant of Arms licence.

4. It has been submitted by learned counsel for the

petitioner that there is no complain against the petitioner for

having violated the agreements with the land lord or with the



customers either in RERA or any other forum. It has further been submitted that the impugned order dated 13.03.2020 passed by the District Magistrate, Patna in Memo No. 1323 by which the application for grant of Arms licence has been rejected is illegal as it has been passed on non-est grounds. The first ground of rejecting the application of the petitioner is that father of the petitioner has an arms licence which has been denied by the petitioner and the second ground for rejection of the application of the petitioner is that petitioner does not have sufficient income which warrants licence to the petitioner but learned counsel for the petitioner submits that this ground is also non-est and is also in teeth of Section 14 of Arms Act. It has further been submitted that he is eligible to get Arms Licence in his favour.

5. Learned counsel for the State has not been able to deny the facts submitted by the petitioner but he has taken objection that an appeal has been filed by the petitioner which is pending.

6. The appeal of the petitioner cannot be pursued as the impugned order has been passed by Kumar Ravi, the then District Magistrate who is now the Commissioner of Patna.

7. In view of the aforesaid circumstances, this



application is allowed. The impugned order dated 13.03.2020 passed by the District Magistrate, Patna in Memo No. 1323 is hereby quashed and the matter is remitted back to the District Magistrate, Patna for fresh consideration of the application for grant of Arms Licence of the petitioner who is a builder.

8. The petitioner will appear before the District Magistrate, Patna along with the relevant documents and the District Magistrate will fix a date for hearing the petitioner and thereafter pass a reasoned order in accordance with law within three months of receipt/communication of a copy of this order.

9. The District Magistrate, Patna will consider the fact that petitioner is a builder involved in construction activities in Bihar and generally facing threats from extortionists.

10. With the aforesaid observation and direction, this application is disposed of.

(Sandeep Kumar, J)

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