

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3247 of 2023

Pradyuman Rai Son of Late Janki Sharan Rai, resident of Village-
Parasrampur, Parshurampur, Police Station- Raghunathpur, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar, Patna.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Home Secretary, Govt. of Bihar, Patna.
4. The Divisional Commissioner, Saran Division, Chapra.
5. The District Magistrate, Siwan.
6. The Arms Magistrate, Siwan.
7. The Superintendent of Police, Siwan.
8. The Additional Superintendent of Police-cum- Sub Divisional Police Officer, Siwan.
9. The Sub- Divisional Police Officer, Siwan Sadar, Siwan.
10. The Circle Officer, Raghunathpur, Siwan.
11. The Officer- In Charge, Raghunathpur, District- Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Umesh Kumar Mishra, Adv.
For the Respondent/s	:	Mr.M. Nasrul Huda Khan, SC-1
		Ms.Babita Kumari, AC to SC-1

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-10-2023 1. The present writ petition has been filed seeking the
following relief(s):-

“1. For issuance of an appropriate writ in the nature of Certiorari for quashing the memo no. 454-Arms dated 12.10.2019 by the District Magistrate, Siwan by which he has directed the petitioner to surrender / deposit his arms in Malkhana and get the receipt and the copy of the original license be deposited in the District Arms Office, Siwan



otherwise appropriate legal action will be taken in the light of the Arms Rule, 2016, Rule -15 Sub Rule -2, in which N.D.A.L. is not registered all arms are illegal and as per the Arms Rule, total 2562 Arm's Licenses are being cancelled with effect from 01.04.2019, as the same is not legal.

II. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to allow the petitioner's arms license to continue as the Unique Identification Number i.e. U.N.I.D. i.e. 052050013083922015, has already been entered in the license book of the petitioner bearing License No. 156/90 of rifle is continuing and the same UIN I.D. No. the revolver bearing license no. 45/89 is being renewed and hence by general cancellation of 2562 arms licenses in the district of Siwan is not just and proper, as no notice has been given to the petitioner and it is pertinent to mention here that in the arms office of the district, the same is being already maintained which is evident from both the licenses i.e. one license no 45/89 of the revolver and Other license no 156/90 for the rifle both bearing same UIN ID. No. 052050013083922015.

III. For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authority the District Magistrate, Siwan, who is the licensing authority to consider the case of the petitioner and allow the petitioner to continue his license of the rifle bearing UIN ID No.



052050013083922015 by renewing the license.

IV. For issuance of an appropriate writ as alternative prayer as the petitioner has got the representation received on 22.11.2022 before the District Magistrate, Siwan by which, he has requested for consideration for renewal of his license of the rifle bearing UIN ID No.052050013083922015, by which it is evidently clear that there are two licenses in the name of the petitioner bearing one UIN No. one is revolver bearing license no. 45/89 and the another is rifle which license is 156/90. The license of the revolver has already been renewed till 31.12.2023 and another license of the rifle, he made an application for renewal of the same but the assistant has told that as due to UIN No. 052050013083922015 his license has been cancelled. The UIN No i.e. 052050013083922015 of both the license are one and the same is the error of the office, for which, the petitioner cannot be made to suffer and till date the representation of the petitioner dated 22.11.2022 is still pending before the learned District Magistrate, Siwan and hence the District Magistrate, Siwan may kindly be directed to look into the matter and pass appropriate order in favour of the petitioner by renewing his license of rifle bearing license no. 156/90, without any further delay.

V. For issuance of an appropriate writ in the nature of prohibition restraining the respondents to not compel the petitioner to deposit the arms in the



Govt. Malkhana, as the petitioner is the license holder of License No. 156/90 of the rifle bearing UIN No 052050013083922015.”

2. At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the impugned order dated 09.01.2023, passed by the District Magistrate, Siwan, by filing appropriate appeal. Liberty so sought is granted.

3. It is needless to state that in case an appeal is filed by the petitioner, within a period of four weeks from today, the appellate authority shall consider the same on merits and pass a reasoned and a speaking order, in accordance with law, within a period of six weeks, thereafter.

4. The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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