

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6049 of 2023

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Lal Bahadur Mahto Son of Mahavir Mahto Resident of Village-Hulas Tola,
P.S.-Tiar, District-Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Home Department, Govt. of Bihar, Patna.
2. The Divisional Commissioner, Patna Division, Patna.
3. The District Magistrate-Cum-Collector, Bhojpur, Ara.
4. The Superintendent of Police, Bhojpur, Ara.
5. The District Arms Officer, Bhojpur, Ara.
6. The S.H.O., Bihiya Police Station-Bihiya, Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Yadav
For the Respondent/s : Mr.Md. Nadim Seraj (Gp 5)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date : 17-10-2023

The short prayer made by the petitioner in the present case is to quash the order dated 13.12.2022, passed by the Divisional Commissioner, Patna Division, Patna, in Arms Appeal No. 150 of 2019, which has been dismissed for default and remand the matter back to the appellate authority for deciding the appeal of the petitioner, on merits.

2. The submission made on behalf of the petitioner is that the District Magistrate, Bhojpur at Ara, had rejected the application of the petitioner for grant of arms license, by an order dated 3.2.2019, whereafter the petitioner had challenged



the same, by filing an appeal bearing Arms Appeal No. 150 of 2019, along with a petition for condonation of delay of about 10 months in filing the same, however, the Divisional Commissioner, Patna Division, Patna, has failed to consider the grounds set out in the petition, filed by the petitioner, for condonation of delay in filing the appeal and has instead straight away dismissed the appeal for default. Thus, it is submitted that it would be in the interest of justice to direct the Divisional Commissioner, Patna Division, Patna, to hear the appeal of the petitioner, on merits.

3. Per contra, though the learned counsel for the Respondent-State has opposed the present writ petition, however, he is not averse to the idea of the Divisional Commissioner, Patna Division, Patna, hearing the appeal of the petitioner, on merits, in case this Court so directs.

4. I have heard the Ld. Counsel for the parties and I find that in the interest of justice and considering the equities, it would be appropriate that the matter is remanded back to the Ld. Divisional Commissioner, Patna Division, Patna to decide the appeal of the petitioner on merits, hence, the order dated 13.12.2022, passed by the Divisional Commissioner, Patna Division, Patna, in Arms Appeal Case No. 150 of 2019 is



quashed, however the matter is remanded back to the Ld. Divisional Commissioner, Patna Division, Patna & he is directed to pass a reasoned and a speaking order, in accordance with law, on merits, within a period of eight weeks of receipt / production of a copy of this order.

5. The writ petition stands allowed to the aforesaid extent.

(Mohit Kumar Shah, J)

Ajay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.10.2023
Transmission Date	NA

