

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11300 of 2023

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Tarique Raza Khan Son of Ahmed Raza Khan, resident of 148 B, Patliputra Colony, P.S.-Patliputra Colony, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Home Secretary Government of Bihar.
2. District Magistrate, Patna.
3. Divisional Commissioner Patna Division, Patna.
4. Additional District (Arms) Magistrate, Patna.
5. District Arms Magistrate, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manisha Pandey, Adv.

For the Respondent/s : Mr.Md. Nadim Seraj (GP 5)

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 02-12-2023 Heard the parties.

This application has been filed for quashing of the order dated 05.04.2023 passed by the District Arms Magistrate, Patna in Arms Case No. XVI-18 of 2021 by which the District Magistrate has rejected the application of the petitioner for grant of permission to exchange .22 bore rifle from .3006 bore licence and also to direct the respondent authorities to extend the Area validity from Bihar/U.P/Jharkhand and West Bengal to Indian Union Territory.

It has been contended by learned counsel for the petitioner that impugned order dated 05.04.2023 passed by the District Arms Magistrate, Patna in Arms Case No. XVI-18 of 2021 is without issuing notice to the petitioner and without



hearing the petitioner in complete violation of the principles of natural justice. Learned counsel for the petitioner submits from reading of the impugned order 05.04.2023 passed by the District Arms Magistrate, Patna in Arms Case No. XVI-18 of 2021, the petitioner has never been heard. She further submits that the authorities have not considered all contentions raised by the petitioner and hence, the impugned order 05.04.2023 passed by the District Arms Magistrate, Patna in Arms Case No. XVI-18 of 2021 should be quashed on the aforesaid grounds.

I am of the view that the application of the petitioner should be decided after hearing and deciding all the contentions raised the petitioner and the same be decided by the District Magistrate, Patna, in view of the fact that the District Arms Magistrate, Patna has no power/jurisdiction under Arms Act to consider the application of the petitioner. This application is allowed. The impugned order dated 05.04.2023 passed by the District Arms Magistrate, Patna in Arms Case No. XVI-18 of 2021 is hereby quashed and the matter is remitted by the District Magistrate, Patna for fresh consideration of the application of the petitioner in accordance with law after hearing the petitioner within six months of receipt/communication of a copy of this order.



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

(Sandeep Kumar, J)

Harsh/-

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