

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5251 of 2023

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Ramdahin Singh, Son of late Shyam Bihari Singh, Resident of Village -
Lopar, P.O. - Ramespur, P.S. Daraunda, District - Siwan.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Home,
Old Secretariat, Bihar, Patna.
2. The Commissioner, Saran Division at Chapra.
3. The District Magistrate, Saran.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Shashikant, Advocate
For the Respondent/s : Mr. Md. Nadim Seraj (GP-5)

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 02-01-2024 The petitioner is challenging the order dated
23.12.2022 passed by the Commissioner, Saran Division,
Chapra, in Arms Appeal Case No.72 of 2022, whereby and
whereunder the Commissioner has dismissed the appeal and
confirmed the order dated 12.01.2022 passed by the District
Magistrate, Siwan by which he has cancelled the arms license
of the petitioner on the ground that the petitioner did not
produce his gun for physical verification.

2. Learned counsel for the petitioner has
submitted that no personal notice was ever served to the
petitioner, which is apparent from the impugned orders and
there is a general notice published in the newspaper and



because of non-response to the notice the arms license of the petitioner has been cancelled. He further submits that for cancelling the arms license of a license holder hearing is a must.

3. Learned counsel for the State submits that the petitioner has not acted upon the newspaper notice and therefore, his license has been cancelled on the ground that he did not produce his gun for physical verification.

4. I have considered the submissions of the parties and perused the materials on record. It is an admitted fact that no individual or personal notice was ever served upon the petitioner before passing the impugned orders. In this circumstance, the impugned orders cannot be sustained.

5. In such view of the matter, the impugned orders dated 23.12.2022 passed by the Commissioner, Saran Division, Chapra, in Arms Appeal Case No.72 of 2022 and the order dated 12.01.2022 passed by the District Magistrate, Siwan are hereby quashed and the arms license of the petitioner is restored.

6. The District Magistrate, Siwan is directed that before asking someone to get physical verification of his arms, he must serve individual or personal notice to the license holder. Unless and until there is valid service of notice, the arms



license cannot be cancelled because of none physical verification of the arms.

7. With the aforesaid observations and directions, this writ petition stands allowed.

(Sandeep Kumar, J)

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