

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14428 of 2022

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Jainandan Yadav Son of Bindeshwari Yadav, Resident of Village-Dengrahi
Chanan, P.S.-Salkhua, District-Saharsa.

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Department of Home,
Government of Bihar, Patna.
2. The Commissioner, Koshi Division, Saharsa.
3. The District Magistrate-cum-Licence Authority, Saharsa.
4. The Superintendent of Police, Saharsa.
5. The Officer-in-Charge, Salkhua, District-Saharsa.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Anil Kumar Choudhary, Advocate
For the State	:	Mr. P.K. Verma, AAG-3

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

8 22-04-2024 Heard learned counsel for the parties.

2. In this case, the petitioner is challenging the
order dated 16.11.2018 passed by the District Magistrate,
Saharsa, by which the arms license of the petitioner has been
cancelled.

3. The contention of the petitioner is that the
order dated 16.11.2018 has been passed without issuing notice
to the petitioner and without hearing him. To this effect, a
statement has been made in paragraph no.14 of this writ petition
that the petitioner was not heard and the documents were not
supplied to him before the impugned order was passed.



4. The appeal against the aforesaid order dated 16.11.2018 has also been dismissed.

5. The reply of the respondents to the aforesaid statements made in paragraph no.14 is a vague reply and is no reply at all.

6. Since the impugned order has been passed in complete violation of the principles of natural justice, this application is allowed. Accordingly, the impugned order dated 16.11.2018 passed by the District Magistrate, Saharsa is quashed. The District Magistrate, Saharsa is directed to pass fresh order in accordance with law after hearing the petitioner and in view of the changed circumstances as it has been submitted that the F.I.Rs., which have been relied by the State, in one of the F.I.Rs. the petitioner has been acquitted and in another F.I.R. a compromise petition has been filed which may result in his acquittal.

(Sandeep Kumar, J)

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