

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.125 of 2023

=====

Krishna Raj Rai son of Kedar Nath Rai, Resident of Village-Khalawa, Police Station-Nautan, District-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Home Department, Government of Bihar, Patna.
2. The Divisional Commissioner, Saran at Chapra.
3. The District Magistrate, Siwan.
4. The Superintendent of Police, Siwan.
5. The Sub-Divisional Magistrate, Siwan.
6. S.H.O. Nautan Police Station, Nautan, Siwan.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Pandey, Adv.
For the Respondent/s	:	Mr.Md. N. H. Khan, SC-1
		Mr.Fazle Karim, AC to SC-1

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 4 22-10-2024 1. The present writ petition has been filed for setting aside the order dated 31.12.2021, passed by the District Magistrate, Siwan, whereby and whereunder the arms license of the petitioner has been cancelled as also for quashing the appellate order dated 30.09.2022, passed in Arms Appeal Case No.27 of 2022, by the Ld. Court of Commissioner, Saran Division, Chapra, whereby and whereunder the appeal has stood dismissed.
2. At the outset, the learned counsel for the parties have not denied the fact that the District Magistrate, Siwan, had cancelled the arms license of the petitioner, by an order dated



31.12.2021, without issuing any notice to the petitioner, hence admittedly, the principles of natural justice have not been complied with.

3. The learned counsel for the petitioner has also relied on an order dated 22.11.2023, passed by a co-ordinate Bench of this Court in C.W.J.C. No.789 of 2023 (*Dinanath Bhagat vs. The State of Bihar and Ors.*) to buttress his stand.

4. Having regard to the submissions made by the Ld. Counsel for the parties and considering the fact that the impugned order dated 31.12.2021, has been passed by the District Magistrate, Siwan, without issuing any notice to the petitioner herein, which amounts to violation of the principles of natural justice, I deem it fit and proper to quash the same. As a consequence of quashing of the aforesaid order dated 31.12.2021, the appellate order dated 30.09.2022 has got no legs to stand, hence is also quashed.

5. It is needless to state that the present order would not be an impediment for the District Magistrate, Siwan, to initiate fresh proceedings, in accordance with law.

6. The writ petition stands allowed.

(Mohit Kumar Shah, J)

sonal/-

U			
---	--	--	--

