

29.07.2024
Sl. No. 19
g.b./Swa.M
Court No.09

WPA 8744 of 2023

Nijamuddin Khan
-Vs-
The State of W.B & Ors.

Mr. Robiul Islam
Mr. Md. Hasanuz Zaman
.....For the Petitioner
Mr. Shamim Ul Bari
.....For the State

The petitioner claims to be a trader. He deals in crops. It is contended that in the course of business, the petitioner has to make huge financial transaction and has to travel in rural areas carrying a lot of money at night.

The petitioner apprehends that he may be attacked by miscreants and also apprehends that he could be robbed at any time when he travels in remote areas.

Accordingly, the petitioner applied before the District Magistrate, Purba Burdwan for issuance of a gun licence. It is submitted that no steps have yet been taken as per law. The petitioner submits that he has the required trade licence /certificate of enlistment, registration under the Goods and Service Tax Act and is also an income tax assessee. Thus, for the protection of the petitioner and to prevent the petitioner from any kind of threat or danger during his business activity, the prayer was made for issuance of a gun licence.

Mr. Bari, learned advocate for the State respondents submits that the police report is not in favour of the petitioner. Hence, the licence cannot be granted.

Having heard the rival contentions of the parties, this court is of the view that the District Magistrate, Purba Burdwan must treat the writ petition as a representation of

the petitioner and dispose of his prayer for grant of a gun licence in accordance with law, upon granting an opportunity of hearing to the petitioner.

If there is an adverse report against the petitioner, a copy of the same shall be handed over to the petitioner and the petitioner will be permitted to file a reply to such report. Thereafter, the matter will be heard and disposed of according to law. The question as to whether similarly situated persons had been granted such licence, shall also be decided at the hearing.

Needless to mention, the entire exercise shall be completed by the District Magistrate, Purba Burdwan within a period of two months from the date of communication of this order and the reasoned order shall be communicated to the petitioner.

The vakalatnama filed on behalf of the petitioner, upon engagement of the learned advocate, is taken on record.

The writ petition being WPA 8744 of 2023 is disposed of.

All parties are to act on a server copy of this order.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously after completion of all necessary formalities.

(Shampa Sarkar, J.)