

**(2009) 11 PAT CK 0048**  
**In the Patna High Court**

Ashok Kumar Mishra

APPELLANT

Vs

The State of Bihar

RESPONDENT

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**Date of Decision :** 07-11-2009

**Acts Referred:**

**Citation :** (2009) 11 PAT CK 0048

**Hon'ble Judges :** Navaniti Prasad Singh, J

**Bench :** Single Bench

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**Judgement**

Navaniti Prasad Singh, J.—The petitioner was granted an arms licence in the year, 1992 and on basis thereof, with due permission, he purchased a rifle in 1995. With due permission, he sold the rifle as it was allegedly defective but kept his licence alive by getting it renewed from time to time. It is not in dispute that the licence is renewed upto 2011. In the year 2008, considering the threat perception, petitioner applied for permission to purchase a rifle on basis of the said licence which was duly renewed. Not only is the permission being refused, the petitioner has now been asked to show cause against cancellation of his licence by the impugned order of the District Arms Licensing Authority, Muzaffarpur by the letter dated 24.10.2008. Petitioner filed his show cause and several representations thereafter but neither he has been permitted to purchase a new fire arm nor has any final order been passed in this regard.

2. Heard the parties and with their consent, the writ petition is being disposed of at this stage itself.

3. There is no dispute that petitioner's arms licence was valid and duly renewed upto 2011. It is not in dispute that under Arms Licence, there was no stipulation that the petitioner must purchase any arms under the said licence within any specified period nor is it in dispute that no such direction was issued to the petitioner by the licensing authority. The licence having been granted can be cancelled only on grounds as contemplated under the Arms Act and not on any ipse dixit of the licensing authority. The only ground for cancellation is that petitioner had not purchased arms for quite sometime. I regret that can never be

the ground for cancellation of licence duly granted unless any time is fixed by the licensing authority subject to which licence is granted. Thus, the very initiation of proceeding for cancellation of licence is not sustainable in law.

4. Coming to the question of petitioner's application for permission to procure fire arms on the arms licence, that cannot be denied to the petitioner for the simple reason that if the licence had been granted and is valid, it is not a photograph or a certificate or a testimonial to be displayed in the drawing room but with a purpose of procuring the fire arm and keeping the same. The licence being valid and validly granted, the permission to procure fire arm on the said licence cannot be denied.

5. In that view of the matter, the impugned order of the District Arms Licensing Authority cannot be sustained on any count. The authority is directed now to proceed in the matter in accordance with law and keeping in view the observations as made above and dispose of the application of the petitioner for grant of permission to purchase a fire arm and the order should be passed within one month of production of copy of this order before the licensing authority.

6. With this observation, the writ petition is disposed of.