
(2001) 07 PAT CK 0039
In the Patna High Court
Case No : C.W.J.C. No. 7883 of 2001

Iftekhar Ahmad Khan @ Iftekhar @ Tun Khan	APPELLANT
Vs	
State of Bihar and Others	RESPONDENT

Date of Decision : 11-07-2001

Acts Referred:

Arms Act, 1959 — Section 17

Citation : (2001) 3 BLJR 1838

Hon'ble Judges : Radha Mohan Prasad, J

Bench : Single Bench

Judgement

Radha Mohan Prasad, J.—In this writ petition, the petitioner at this stage is, in fact, aggrieved by the order of suspension of his licences for rifle and D.B.B.L. gun bearing No. 148/90 and 156/99 respectively passed by the District Magistrate, Aurangabad (respondent No. 2) on 21-6-2001, contained in Annexure-4.

2. It is submitted by the learned Counsel for the petitioner that the impugned order on the face of it is bad in law as the petitioner was not afforded any opportunity of being heard before passing the said order. It is submitted that the law in this regard is well settled that suspension/revocation of arms licence on any ground without affording an opportunity of being heard is bad and is in violation of the principles of natural justice. this Court in the case of Amar Sinha v. District Magistrate 1990 (1) PLR 217 has held that it is mandatory on the part of the authority to give an opportunity of hearing before passing order u/s 17(3) of the Arms Act, 1959. In this regard, learned Counsel has referred to the Statement made in paragraph 6 of the writ petition that ont he basis of the letter of S.P., Aurangabad, the District Magistrate, Aurangabad without giving any opportunity to file show-cause suspended the arms licences of the petitioner on 21-6-2001.

3. Learned Counsel for the State has submitted that the matter can be disposed of at this stage with a direction that the petitioner should move the District

Magistrate, Aurangabad (respondent No. 2) with his aforementioned grievance and respondent No. 2 shall consider the same and dispose it of in the light of the law already settled.

4. Accordingly, as regard, the writ petition is disposed of with a direction that the petitioner should file an application by Monday next (16-7-2001) before the respondent No. 2 for re-consideration of the order suspending licences for rifle and D.B.B.L. gun and for depositing the same in Rafiganj Police Station, whereupon respondent No. 2 shall re-consider the same and dispose it of by a reasoned order positively within a week of the receipt of the application, keeping in view the law settled by judicial pronouncement. If such an application is filed, the petitioner will not be required to deposit the arms till the disposal of his application in pursuance of the impugned order (Annexure-4).