

Rameshankar Singh and ors. Vs. State of Bihar and ors.

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Court : Jharkhand

Decided On : Jul-12-2001

Reported in : 2001(3)BLJR1662

Judge : Radha Mohan Prasad, J.

Appeal No. : C.W.J.C. No. 4552 of 2000

Appellant : Rameshankar Singh and ors.

Respondent : State of Bihar and ors.

Disposition : Petition Allowed

Judgement :

Radha Mohan Prasad, J.

1. Heard learned Counsel for the parties.

2. It is submitted by Mr. Choubey, learned Senior Counsel appearing for the petitioners that the arms licences of the petitioners have been suspended without even giving them any show-cause notice and affording opportunity before issuance of the said order, which is completely in the teeth of the well-settled law in numerous decisions including the one in the case of Jagdamba Singh v. State of Bihar 1995 (1) BUR 883; 1993(2) PUR 107. In support of this, learned Counsel for the petitioners has referred to the statement made in paragraph 11 of the writ

petition that no notice was given and no opportunity was afforded to the petitioners before the order of suspension was passed.

3. A counter-affidavit has been filed on behalf of the respondents. The said paragraph of the writ petition has been answered in paragraph 10 of the counter-affidavit wherein there is no denial of the said statement of the petitioners.

4. Under such circumstances, the writ petition is allowed and the impugned orders, contained in Annexures 3 and 4 to the extent whereby the licences of the petitioners have been suspended, are hereby quashed. However, this Order shall not come in the way of the authority from proceeding further in the matter, in accordance with law.

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