

GAHC010062672023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/1823/2023

KAILASH GOGOI
SON OF SRI AKON GOGOI,
R/O- NATUN NIRMALI GAON,
P.O.- C.R. BUILDING,
P.S. AND DISTRICT- DIBRUGARH,
ASSAM, PIN- 786001.

VERSUS

THE COMMISSIONER OF POLICE AND 3 ORS
HOME DEPARTMENT

2:THE DEPUTY COMMISSIONER
DIBRUGARH
DISTRICT- DIBRUGARH.

3:THE SUPERINTENDENT OF POLICE
DIBRUGARH
DISTRICT- DIBRUGARH.

4:THE OFFICER-IN-CHARGE
DIBRUGARH POLICE STATION
DISTRICT- DIBRUGARH

Advocate for the Petitioner : MR D R GOGOI

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

23.04.2024

1. Heard Ms. S.E. Ahmed, learned counsel for the petitioner. Also heard Ms. U. Das, learned Addl. Sr. Government Advocate, Assam appearing for all the respondents.
2. The petitioner's grievance is that though the petitioner has applied for an arms license from the District Commissioner/District Magistrate, Dibrugarh, the District Magistrate has till date not taken a decision on the petitioner's application for issuance of an arms license.
3. Ms. U. Das, learned Addl. Sr. Government Advocate submits that the Superintendent of Police, DSB, Dibrugarh has submitted a verification report regarding issuance of a new arms license to the petitioner, to the District Magistrate, which is to the effect that the petitioner does not have any perceived grave and imminent threat to his life for the last three years and the present vulnerability threat perception is nil. She submits that the final decision for grant of a new arms license to the petitioner has to be taken by the District Magistrate.
4. I have heard the learned counsels for the parties.
5. The submissions made by the counsels for the parties and the pleadings show that the final decision for issuance of a new arms license applied for by

the petitioner, would have to be decided by the District Magistrate, Dibrugarh. As such, it is imperative that the District Magistrate should take a decision to either grant or decline the grant of a new arms license to the petitioner.

6. The letter No. DSB.DBR/IX/Arms/New/25 dated 06.02.2024 issued by the Superintendent of Police, DSB, Dibrugarh, which is addressed to the District Magistrate, Dibrugarh states as follows-

“Subject: Verification report regarding issue of New Arms license.

Reference: Your e-Office No. ADM/428/2023-ADM-DBR - 1/67153/2023.

Sir,

*With reference to the subject cited above, I have the honour to submit herewith the Police verification report in respect of **Sri Kailash Gogoi**, S/O. Akon Gogoi of Natun Nirmali Gaon, Near T.V. Centre, P.O.- C.R. Building, P.S. & Dist. Dibrugarh, Assam regarding issue of new arms license. The matter was duly enquired from the concerned Police Station and nothing adverse has been found against the applicant. The applicant is a businessman. The applicant does not have any face perceive grave and imminent threat to his life from the last three years. The present vulnerability of threat perception is nil.*

Therefore, the prayer for permission for issue of new Arms license against the above applicant may kindly be considered, if deemed fit.”

7. As the final decision with regard to issuance of a new arms license is to be

taken by the District Magistrate, as can be culled out from the SP's letter dated 06.02.2024, the District Magistrate, Dibrugarh is directed to take a decision on the petitioner's application for issuance of a new arms license, within a period of 4(four) weeks from the date of receipt of a copy of this order. The decision taken by the District Magistrate should thereafter be communicated to the petitioner.

8. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant