

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6202 of 2015

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Md. Ashfaque Alam S/o Md. Kalimuddin R/o village + P.O. Harna Bujurgah, P.S.
Rajoun, District - Banka

.... Petitioner

Versus

1. The State of Bihar through the District Magistrate, Banka
2. The District Magistrate, Banka
3. Superintendent of Police, Banka
4. Station House officer (S.H.O.), Rajoun, Banka

.... Respondents

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Appearance :

For the Petitioner : Mr. Pramod Kumar Singh, Advocate
For the State : Mr. Amit Kumar Anand, AC to GP 15

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 22-09-2015

I have learned counsel for the petitioner and the State.

Petitioner seeks direction to the respondent no. 2 to grant
arms licence for N.P. bore rifle.

It is contended that an application in this regard was made
in the year 2011 itself but no decision has been taken as yet and the
licensing authority on one pretext or the other is deferring the matter.
Learned counsel for the petitioner submits that although there was a
report of the police but it would appear from the report obtained by
the petitioner under the Right to Information Act that another report
has been sought from the police authority.

Learned counsel for the State seeks adjournment for filing
counter affidavit.



However, in view of the nature of the order which is going to be passed in this case, this writ application is being disposed of without waiting further for filing of counter affidavit as admittedly, though a copy of the writ petition was served on learned counsel for the State on 15.04.2015 itself, no counter affidavit has been filed.

Section 13(2) of the Arms Act, 1959 provides that on receipt of application for grant of arms licence the licensing authority shall call for the report from the Officer-in-charge of the nearest police Station which should be sent by him within the prescribed time. However, the proviso further says that where the Officer-in-charge of the nearest police station does not send the report upon the application within the prescribed time, the licensing authority may make such order after expiry of the prescribed time, without further waiting for the report.

The authority concerned has not passed the order and has kept the matter pending for about four years.

In above view of the matter, this writ application is being disposed of with a direction to the licensing authority to take a decision in the matter in accordance with law within a period of three months from the date of receipt/production of a copy of this order. I further direct the Superintendent of Police, Banka to ensure that the police report is sent to the licensing authority as expeditiously as

possible so that the matter could be set at rest within the aforesaid time granted by this Court.

(Dr. Ravi Ranjan, J)

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