

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.869 of 2014

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1. Jagmohan Prasad Sharma son of Tridep Narain Chowdhary, resident of Village-Bichhagaon, P.S. Kasim Bazar (Kotwali), District - Munger
 2. Brij Mohan Prasad Sharma son of Late Tridep Narain Chowdhary, resident of village- Bichhagaon, P.S. Kasim Bazar (Kotwali), District- Munger
 3. Krishna Mohan Prasad Sharma son of Late Tridep Narain Chowdhary, resident of village- Bichhagaon, P.S. Kasim Bazar (Kotwali), District-Munger

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Home Affairs Grih Mantralaya, Govt. of India, New Delhi
2. The Under Secretary, Ministry of Home Affairs Grih Mantralaya, Govt. of India, New Delhi
3. The State of Bihar through the Director of General of Police, Patna, Bihar
4. The District Magistrate, Munger
5. The Superintendent of Police, Munger

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate
For the Respondent/s : Mr. Abbas Haider, Advocate

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 05-05-2015 Heard the parties.

The limited prayer made by the petitioners in this application is for an appropriate direction to the licensing authority-cum-District Magistrate, Munger to include the name of the sons of the petitioner in the license issued for gun factory owned by the petitioner no. 1 under the provisions of the Arms Act, 1959 and the rules framed thereunder as well as the policy decision of the Government of India dated 16.2.1967, a copy of

which is placed at Annexure-3 to the writ petition.

Records manifests that such application has been filed by the petitioner no. 1 seeking to include his sons in the license as back as on 17.3.2000. There is nothing on record to show as to what was the petitioner doing since 2002 so as to approach this Court after lapse of 14 years. The petitioner, however, relies upon a circular of the Government of India dated 16.2.1967 (Annexure-3) and with particular reference to paragraph-2(b) it is submitted that the existing manufacturer or one of the partners to the firm who is a licensee, can during his life time take his own son(s) as additional partners to the firm. The petitioner no. 1 who is the proprietor of the gun factory and owns a gun license submits that since he has become old hence his sons may join him in the license as partners. The representation has gone unresponded and hence this writ petition.

Having heard learned counsel for the parties and taking note of the stipulations present in the circular of the Government of India dated 16.2.1967 and taking note of the fact that an application for inclusion of the name of the petitioner nos. 2 and 3 was filed as far back as on 17.3.2000, this writ petition is disposed of with liberty to the petitioners to renew their prayer by filing a fresh application before the District Magistrate, Munger and if the

petitioners file any such application for inclusion of the name of petitioner no. 2 and 3 in the Gun Factory License, the same would be considered and disposed of by the District Magistrate, Munger in accordance with law expeditiously and preferably within three months of filing of such application.

(Jyoti Saran, J)

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