

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16135 of 2011

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Azaaz Hasan S/o Late Abul Nasan, R/O Village- Marwari Mohalla, Ward no. 16,
P.S.- Gopalganj, District- Gopalganj

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Home Department, Govt. of Bihar, Patna
3. The District Magistrate, District- Gopalganj
4. The Superintendent of Police, District- Gopalganj
5. The Sub Divisional Officer, District- Gopalganj
6. The Arms Magistrate, Gopalganj
7. The Police Inspector, Police Station, Gopalganj, District - Gopalganj

.... Respondents

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Appearance :

For the Petitioner : Mr. Harendra Prasad Singh, Advocate
For the State : Mr. Yogendra Pd. Sinha, AAG 15

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 04-08-2015

I have heard learned counsel for the petitioner and the

State.

The grievance of the petitioner is that though he had
applied for grant of licence for N.P. Bore Pistol/Revolver on
31.12.2006 itself, no final decision has been taken as yet by the
licensing authority.

It appears from the records that two counter affidavits
have been filed, one on behalf of the respondent no.4 i.e., the
Superintendent of Police, Gopalganj and second on behalf of the
respondent nos.1, 2, 3, 5 and 6. In the first counter affidavit filed on

behalf of the Superintendent of Police, it has been stated in paragraph no.7 as under:-

“That with regard to the statement no.4 it is submitted that it is a fact that the petitioner had applied for an Arms License for N.P. Bore Pistol/Revolver by application no.745/2006 which has been duly verified by thana and Dy. S.P. sent by letter no.248/C dated 02.02.2007 from the office of S.P. to D.M. office Gopalganj for further process.”

In paragraph no.7 of the counter affidavit filed on behalf of the respondent nos.1, 2, 3, 5 and 6, it has been stated that the officer in-charge of the Gopalganj Police Station has not given his clear and positive remarks as he has also put a remark that the petitioner remains in company of suspected persons. Copy of the documents upon which such remark has been put stands appended as Annexure A to the counter affidavit. It appears therefrom that the officer in-charge has stated in column 14 that the character of the petitioner is good. In paragraph no. 15, he has recommended for grant of licence, however, at the time of signing he has put a note which transpires that the petitioner indulges himself in chat with unknown persons. Thus, in my opinion, the statement made in paragraph no.7 that the Gopalganj In-charge of the police station has stated that the petitioner remains in company of suspected persons is completely baseless and unfounded.

Be that as it may, it was the duty cast upon the statutory

licensing authority to take a decision within a reasonable period but the matter has remained pending for more than seven years and still no final decision admittedly has been taken. It definitely speaks about the casual and callous approach of the authorities. The statutory authority is not expected to sit upon the matter and take a stand by shifting the burden upon the shoulders of other state authorities.

In above view of the matter, this Court would direct the District Magistrate, Gopalganj to take a final decision upon the application of the petitioner within a period of eight weeks from the date of receipt/production of a copy of this order.

Accordingly, this writ application stands disposed of. However, in view of the unexplained and unreasonable delay caused by the statutory authority in taking a final decision, I find it a fit case for imposing exemplary cost which is assessed of Rs.10,000/-.

(Dr. Ravi Ranjan, J)

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