

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22563 of 2011

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Shashikant Singh Son Of Late Saryu Singh Ukurmi, P.S.-Obra And District-Aurangabad.

.... Petitioner

Versus

1. The State of Bihar Through The Home Secretary Deppt.Of Home,Patna(Bihar)
2. The District Magistrate, Aurangabad.
3. The Superintendent Of Police, Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Anirudh Kumar Verma, Advocate
For the State : Mr. Kundan Bahadur Singh ,SC 22

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 05-08-2015

I have heard parties.

Petitioner has applied for issuance of licence for a pistol in the year 2011 on which licensing authority is yet to take a final decision.

It is contended that the petitioner's father was killed by extremists in 1993 for which Obra P.S. Case No. 99 of 1993 was registered in which trial was conducted and two accused persons were found guilty and were sentenced to undergo life imprisonment. The petitioner, after the death of his father, who was holding a licence of DBBL gun, had applied for the same. The petitioner had deposited the gun in view of the order of District Magistrate, Aurangabad. Petitioner was granted licence for gun in the year 1995 itself but now

he wants licence for small arms either pistol or revolver in place of DBBL gun for which he had made an application in the year 2011 but no decision has been taken by the licensing authority as yet.

Counter affidavit has been filed on behalf of the District Magistrate, Aurangabad stating therein that the application of the petitioner has been forwarded to S.H.O., Obra Police Station who has been instructed to send report through proper channel. It has further been stated that after getting the report and the recommendation of the officials at all the levels i.e., Thana, Sub Divisional Office, Office of the Superintendent of Police, a decision regarding issuance of licence would be taken by the licensing authority. It has also been stated that if the petitioner is being threatened by the extremist and has apprehension of breach of peace at the hands of extremists then he should lodge a complaint before the competent authority in this regard.

The Superintendent of Police, Aurangabad has also filed counter affidavit stating that the matter is yet to reach the Office of Superintendent of Police hence no decision could be taken.

It is a peculiar situation that two arms of the administration is shifting burden on each other. The District Magistrate has stated that he has already sent the matter for police verification and Superintendent of Police has stated that the same has

not reached his office and in the meantime four years have lapsed.

In my opinion this shows callous attitude of the concerned respondents.

Be that as it may, this writ application is being disposed of with a direction to the District Magistrate, Aurangabad to take a decision on the application of the petitioner in accordance with law within eight weeks from the date of receipt of necessary reports of the police or other authorities. He will also ensure that the reports other than the police for example Sub Divisional Office etc., if required, which is within his jurisdiction, should be obtained within time so that a decision could be taken by him. The Superintendent of Police concerned is also directed to take immediate steps for sending the verification report in accordance with law with respect to the petitioner to the licensing authority within a period of four weeks from the date of receipt / production of a copy of this order.

(Dr. Ravi Ranjan, J)

Spd/-

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