

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19212 of 2013

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Shiva Shankar Rai S/O Sri Ram Ekwai Rai Resident Of Village- Gara, P.S.
Kuchhila, District- Kaimur At Bhabhua

.... Petitioner

Versus

1. The State Of Bihar Through The District Officer, Kaimur At Bhabhua
2. The District Officer, Kaimur At Bhabhua
3. The Superintendent Of Police, Kaimur At Bhabhua
4. The S.D.P.O. Mohania, District- Kaimur At Bhabhua
5. The Officer Incharge, Kuchchila District- Kaimur At Bhabhua

.... Respondents

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Appearance :

For the Petitioner : Mr. SACHIDA NAND KISHORE PD. SINHA, Advocate

For the State : Mr. AJAY, GA 12

Mr. Sanjay Kumar, AC to GA 12

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 22-09-2015

Heard learned counsel for the petitioner and the State.

Petitioner seeks direction to the respondent no. 2 to dispose of the application of the petitioner in accordance with law which was filed by him for issuance of arms licence as the petitioner claims that his property is surrounded by the area in which there is extremist activity.

It is contended that same is well known to all the respondent authorities but they are sitting tight over the matter and the petitioner's application filed about 14 years back has not been disposed of till date.

A counter affidavit has been filed on behalf of the respondent no. 2 stating that the petitioner's application was misplaced and, as

such, he should file a fresh application.

It is baffling and intriguing as to how the application/document filed by the petitioner has been misplaced which has been appended as Annexure 1 and the same shows that verification was also made by the concerned police authority.

The petitioner has stated that he filed an application for grant of arms licence in the year 1993 itself and when no order could be passed as the same became traceless then he again filed an application which has again become traceless.

It appears from the police verification report available in Annexure 1 that there is endorsement dated 28.11.1993 by the Officer-in-charge of the concerned Police Station on it. If this is the way in which the authorities have conducted themselves then the matter is very serious.

Accordingly, I grant liberty to the petitioner to file an application once again along with a copy of this order and the decision should be taken by the authorities in accordance with law within a period of three months from the date of filing of such application.

However, in view of the fact that there has been apparent casual and negligent approach on behalf of the respondent authorities, I find it a fit case for imposing exemplary cost which is assessed at

Rs. 10,000/-(Rupees Ten Thousand). That apart, the District Magistrate, Kaimur at Bhabhua would be at liberty to make an inquiry in this matter as to how such application is becoming traceless again and again and he should fix responsibility also.

This disposes of the writ petition.

(Dr. Ravi Ranjan, J)

SC/-

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