

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.39505 OF 2014

ORDER

The grievance of the petitioner is that the Commissioner of Police, Cyberabad, Hyderabad, is not considering his application dated 21.11.2013 for grant of an arms licence. It is the case of the petitioner that he addressed a reminder on 28.10.2014 but despite the same, no action has been taken.

Though notice was ordered to the respondents as long back as on 24.12.2014, no counter-affidavit has been filed till date and the learned Assistant Government Pleader for Home states that no instructions have been received.

Grant of an arms licence is governed by the Arms Act, 1959, and the rules framed thereunder. Insofar as processing of an application for an arms licence is concerned, Section 13 applies. Under Section 13(2A), the licensing authority is required, after making such enquiry as he may consider necessary, either grant the licence or refuse to grant the same. In the light of this statutory scheme, it is not open to the licensing authority to keep the matter pending indefinitely by not processing the petitioner's application and taking a decision in the matter one way or the other.

The writ petition is accordingly disposed of directing the Commissioner of Police, Cyberabad, Hyderabad, the second respondent, to consider the petitioner's application dated 21.11.2013 in accordance with law and take appropriate action in the matter expeditiously. In the event the second respondent decides to refuse the request of the petitioner for grant of an arms licence, the reasons therefor shall be communicated to the petitioner. This exercise shall be completed in any event, not later than four weeks from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

25th JANUARY, 2016
PGS

SANJAY KUMAR, J