

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.385 of 2017

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Sri Surendra Kumar Chaudhary, Son of Late Ram Sakal Chaudhary
Resident of Krishi Nagar, Plot No. 25, North of I.G.I.M.S., Police Station-
Shastrinagar, District-Patna

.... Petitioner/s

Versus

1. The State of Bihar through the Divisional Commissioner, Patna
2. The District Magistrate, Patna
3. The Superintendent of Police, Patna
4. The Deputy Superintendent of Police, Patna
5. The Officer-in-Charge, Shastri Nagar Police Station, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Respondent/s : Mr. Md. Nadeem Seraj, GP-5

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 12-10-2017

Heard Mr. Praveen Kumar, learned counsel

for the petitioner and Mr. Nadeem Seraj, GP-5.

The present Writ application has been filed for a direction to respondent no. 2, District Magistrate, Patna to dispose of the application for issuance of Arms license, which is pending before him, after being remanded by respondent no. 1, Divisional Commissioner, Patna vide order dated 26.04.2016 passed in Arms Appeal No. 62 of 2015.

The factual matrix is that the petitioner applied for issuance of Arms license for a non-prohibited bore rifle in the year, 2014 before respondent no. 2, District Magistrate,



Patna. Consequently, Misc. Arms Case No. 09 of 99/2014 was initiated. Respondent No.2 vide order dated 27.12.2014 rejected the application of the petitioner on the ground that the petitioner is not having any threat to life and there is no reason for issuance of license of Arms of non-prohibited bore rifle, as contained in Annexure-1.

The petitioner being aggrieved by the order of respondent no.2 dated 27.12.2014 preferred Arms Appeal No.62 of 2015 before respondent no. 1, Divisional Commissioner, Patna, who after hearing the parties vide order dated 26.04.2016, as contained in Annexure-2, remanded the matter to District Magistrate, Patna with a finding that the reason assigned for rejection of the claim of the petitioner is not sufficient under the provisions of the Arms Act and directed to examine the application of the petitioner under the provisions of the Arms Act, particularly, the provisions under Sections 13 & 14 of the Arms Act after obtaining a fresh police report.

It is submitted by learned counsel for the petitioner that more than one and half years has been passed since the matter was remanded back by the Divisional Commissioner to the District Magistrate, Patna, but respondent no. 2, the District Magistrate has not disposed of the application in spite of the fact



that the petitioner submitted a representation before respondent no.2 on 07.06.2016 for disposal of his application, as contained in Annexure-3. Hence, the present Writ application.

Mr. Nadeem Seraj, learned GP-5 submits that, at present, he is not having any instruction whether the application of the petitioner has been disposed of or not. However, it is submitted that respondent no. 2 will dispose of the application in terms of the remand order passed by the Divisional Commissioner within a time frame.

Considering the rival submissions of the parties and the provisions of the Arms Act, it is clear that the discretion of grant or non-grant of Arms license lies with the statutory authority i.e. District Magistrate. Hence, it is expected from respondent no. 2, District Magistrate, Patna to dispose of such application within stipulated time because it is concerned with the security of the person, claiming the issuance for Arms license. The Divisional Commissioner remanded the matter as far back as on 26.04.2016 and more than one and half years has been passed, hence, it is expected from respondent no. 2, District Magistrate, Patna to dispose of the matter within a period of ten weeks from the date of receipt/production of the copy of the order, after giving due notice and opportunity of hearing to the petitioner



in terms of the remand order dated 26.04.2016 by Divisional Commissioner, Patna.

It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner.

Accordingly, this Writ application is disposed of.

(Dinesh Kumar Singh, J)

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