

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19961 of 2016

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Jitendra Nath Sharma, S/o Late Parshu Ram Sharma, Resident of Uphara Niwas, Kashi Nath Colony, Katari Hills Road, P.S.- Civil Lines, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Home, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Superintendent of Police, Gaya, District- Gaya.
4. The City Deputy Superintendent of Police, Gaya, District- Gaya.
5. The Officer In-charge, Civil Lines, Gaya, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Siya Ram Sahi, Adv.
For the Respondent/s : MD. NADEEM SERAJ- GP-5

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-11-2017 Heard Mr. Siya Ram Sahi, learned Counsel appearing on behalf of the petitioner and Mr. Nadeem Seraj, learned GP-5, appearing on behalf of respondent-State.

Since the Writ application was registered on 15.12.2016, but till date no counter affidavit has been filed, this Court is not inclined to adjourn the matter any further.

The present Writ application has been filed for a direction to the respondent no.2, the District Magistrate, Gaya, to grant license of N.P. Bore Revolver No.AT 127468, to the petitioner, being the son of original licensee.

It is submitted by learned Counsel for the petitioner that the father of the petitioner, namely, Parshu Ram Sharma, had a



license of N.P. Bore Revolver No. AT 127468, bearing License No.12/82 Gaya, O.D. No.1045/95, while he was working as an Officer in Coal India Ltd., Hirsa, Dhanbad. The father of the petitioner retired from service as General Manager, Coal India Ltd in 1990 and he died on 17.02.2014. Subsequently, the petitioner submitted an application before respondent no.2, the District Magistrate, Gaya, on 07.03.2014, seeking permission to deposit the Arms aforementioned. Vide Memo No.170, dated 14.03.2014, the District Magistrate, Gaya, directed the petitioner to deposit the Arms before the arms dealer, namely M/s. Bhartiya Shastragar, Pir Mansoor Road, Gaya, as contained in Annexure-2. Consequently, the petitioner deposited the Arms before the aforementioned arms dealer on 16.03.2014 and receipt of the same was provided to him. Receipt has been brought on record as Annexure-3. The petitioner submitted an application for issuance of Arms license in the month of March, 2014.

Learned Counsel for the petitioner further submits that the petitioner does not have any criminal antecedent. Statement to that effect has been made in para-10 of the petition. But in spite of police report being received in the office of District Magistrate without any adverse finding, till date the application



of the petitioner for issuance of arms license has not been disposed of. Hence, the present Writ application.

Learned GP-5, appearing on behalf of the respondent-State submits that at present he is having no instruction whether the application of the petitioner has been disposed of or not. But if the application of the petitioner has not been disposed of till date, it will be disposed of within a time frame.

Considering the rival submissions of the parties, this Court is dismayed to find that the application of the petitioner for issuance of arms license is pending since last three years. It is high time that respondent no.2, the District Magistrate, Gaya, should dispose of the application of the petitioner, in accordance with the provisions of the Arms Act, 1959, preferably within a period of eight weeks, from the date of receipt/production of a copy of this order.

The Writ application is, accordingly, disposed of.

(Dinesh Kumar Singh, J)

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