

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14827 of 2017

Bhuneshwar Singh

... .. Petitioner/s

Versus

The State Of Bihar & Ors

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Rajani Kant Singh
For the Respondent/s	:	Mr. MD. N. H. KHAN-SC1 Md. Harun Qureshi, AC to SC 1

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 16-11-2017 Heard learned counsels for the parties.

The present writ application has been filed for a direction to the respondent no. 3, the District Magistrate, Rohtas at Sasaram for grant of Arms licence of NP Bore rifle to the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner submitted an application before the licensing authority, i.e. the respondent no. 3, the District Magistrate, Rohtas at Sasaram for grant of licence for NP Bore rifle in the year 2005 on the ground of imminent danger to his life and property, since his father possesses a N.P. Bore rifle No. 315 Bore- AB 802301 vide Licence No. 15/1983. The then District Magistrate, Rohtas called for a report from the SHO, Sheosagar, S.D.O., Sasaram, SDPO, Rohtas, Police Inspector, Sheosagar



and S.P., Rohtas. They all strongly recommended for grant of licence of N.P. Bore gun to the petitioner. The said report has been brought on record as Annexure 1 series.

The District Magistrate, Rohtas vide order dated 5.8.2006, as contained in Annexure 3, rejected the prayer of the petitioner on the ground that there is no threat perception to the life and property of the petitioner. The said order was challenged by the petitioner before the respondent no. 2, the Commissioner, Patna Division vide Arms Appeal No. 287 of 2006. The Commissioner, Patna Division set aside the order of the Collector dated 5.8.2006 passed in Arms Case No. 198 of 2006, vide order dated 5.11.2008 passed in Arms Appeal No. 287 of 2006, as contained in Annexure 4, and directed the District Magistrate, Rohtas to pass fresh order, after obtaining a fresh police report. In pursuance to the order of the Divisional Commissioner dated 5.11.2008, the petitioner preferred an application before the District Magistrate on 23.3.2009 for re-consideration of the claim, as contained in Annexure 5 and thereafter, appeared many times by way of reminders to the District Magistrate but the grievance of the petitioner has not been redressed. The Deputy Superintendent of Police, Rohtas again made enquiry and submitted a report vide Memo No.



1071/2011 dated 24.11.2011, as contained in Annexure 6 which suggests that there is no adverse entry against the petitioner and hence, for the protection of life and property, Arms licence may be granted to the petitioner. Subsequently, the father of the petitioner died on 16.7.2013 and the petitioner deposited his father's rifle on 7.8.2013 before Bharat Shastragar, Sasaram, receipt of which is contained in Annexure 7. Though, the father of the petitioner wanted to transfer the Arms licence in favour of the petitioner but till date the District Magistrate has not disposed of the application.

Further contention of the petitioner is that the Principal Secretary, Government of Bihar has directed all the District Magistrates to dispose of the transfer application for Arms licence to real heirs of those who have attained the age of 70 years or have been holding Arms licence for twenty five or more years or on their death to their heirs forthwith, since complaints were received before the Central Government. Accordingly, the Home Ministry, Government of India vide letter no. V-11019/23/95-Arms dated 28.2.1995 and letter no. V-11016/16/2009 dated 31.03.2010, directed as such. Hence, the District Magistrates were directed to dispose of such applications.



It appears that in the present case, in derogation to the above direction of the Home Secretary, the District Magistrate is sitting tight over the matter. Hence, the writ application.

It is submitted by learned counsel for the State that if the application of the petitioner has not been disposed of, it will be disposed of forthwith.

In the circumstances, the respondent no. 3, the District Magistrate, Rohtas at Sasaram is directed to dispose of the application of the petitioner in view of the up-to-date police report as well as the direction of the Home (Police) Department, Government of Bihar, as contained in Annexure 8, preferably within a period of six weeks from the date of receipt/production of a copy of this order.

This writ application is, accordingly, disposed of.

(Dinesh Kumar Singh, J)

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