

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13305 of 2018

Sanjeev Kumar, Son of Late Sri Krishnadeo Prasad, Resident of Village Makarauta, P.S. Karai Parsurai, District Nalanda at Biharsharif.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Govt. of Bihar, Patna.
2. The District Magistrate, Nalanda at Biharsharif.
3. The District Arms Magistrate, Nalanda at Biharsharif.
4. The Superintendent of Police, Nalanda at Biharsharif.
5. The Officer In-Charge Karai Parasurai Police Station Karai Parsurai District Nalanda at Biharsharif.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar
For the Respondent/s : Md. N.H.Khan, SC-1

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 24-07-2018 Heard learned counsels for the parties.

The present application has been filed for a direction to the respondent authorities, particularly, Respondent No. 2, District Magistrate, Nalanda at Biharsharif for extending the area of validity of Arms Licence No. 1 of 2018 of the petitioner.

Factual matrix of the case is that the petitioner is an Advocate by profession and is practicing at Civil Court, Hilsa. In view of the threat to life and property and due to geographical location of the petitioner which is infested by the banned extremist organization CPI (ML), the petitioner made an application for grant of licence of pistol before the Respondent No. 2, District Magistrate, Nalanda at Biharsharif in 2009, but



the same was declined by the Licensing Authority and it was also affirmed by the Appellate Authority, but ultimately, in view of the order dated 27.04.2012 passed in writ application in CWJC No. 9791 of 2010 and consequent to filing of the contempt application being MJC No. 1432 of 2016, the Licensing Authority granted licence for pistol to the petitioner vide order dated 10.02.2018, but it was limited only for the district of Nalanda, whereas, the petitioner made the application for grant of licence for whole of Bihar State, as he has to travel in other areas of Bihar due to his profession requirements.

It is submitted by learned counsel for the petitioner that the petitioner submitted a representation on 25.04.2018 for extending the area of validity of his Arms Licence No. 1 of 2018 to whole of Bihar State, as contained in Annexure-10, but, since then it is pending for disposal. Hence, the present writ application.

It is submitted by Mr. Khan, learned SC 1 that if no decision has been taken on the application of the petitioner till date for extension of area of validity of licence of the petitioner, it will be disposed of within a reasonable time frame.

Rule 19 of Arms Rules, 2016 (hereinafter referred to as the Rules) incorporates the provision of extension of area of



validity of the licence. Sub Rule (1) of Rule 19 of Rules stipulates that on receipt of an application from a licensee, the Licensing Authority may extend the area of the validity specified in his licence, if he is satisfied about the need of such extension subject to the condition that the Licensing Authority has the power to grant a licence in relation to the area to which extension is being sought. Sub Rule (2) of Rule 19 of Rules prescribes various categories of persons including Union Ministers or Member of Parliaments, Personnel of Defence Forces and Central Armed Police Forces, Officers of All-India Services, Officers in the Government or Government Sector Undertakings or Public Sector Undertakings with liability to serve anywhere in India, dedicated sports persons whose area validity of licence can be extended whereas, sub Rule(3) deals with the licensee who is not specified in sub Rule(2). In such case where the Licensing Authority is satisfied that the nature of business or profession of the applicant requires him to carry arm or arms frequently beyond the existing jurisdiction and such a requirement may not be met by issuance of a journey licence in Form-XI of these Rules, the application for extending the area validity for whole of India may be granted by the Licensing Authority specified in column(5) of schedule II of Rules.



Though Rule 19 does not prescribe a time frame for disposal of the application, but, since Rule 13 of Rules prescribes to take a final decision of either refusing or to grant licence within sixty days of receipt of the police report, in view of this Court, for extension of area validity of licence, the Licensing Authority should not take more time than what is prescribed for grant of licence.

In the circumstances, it is expected from the Licensing Authority, Respondent No. 2, District Magistrate, Nalanda at Biharsharif to take a final decision on the application of the petitioner for extending area validity of licence of the petitioner within a period of eight weeks from the date of receipt/production of a copy of this order.

With the aforesaid observation/direction, this writ application is disposed of.

(Dinesh Kumar Singh, J)

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