

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3882 of 2018

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Rohit Kumar, S/o-Om Prakash Sinha, Resident of Mohalla-Poorvi Nand Gola,
P.S.-Malsalami, Patna City, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Home Secretary, Govt. of Bihar.
2. Divisional Commissioner, Patna Division, Patna.
3. District Magistrate, Patna.
4. The Senior Superintendent of Police, Patna,
5. Additional District Magistrate, (Arms), Patna.
6. District Arms Magistrate, Patna.
7. Sub-Divisional Officer, patna City.
8. S.H.O. Malsalami Police Station, patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar
For the Respondent/s : Mr. Apurva Kumar, AC to GA 4

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 18-06-2018

Heard Mr. Deepak Kumar, learned counsel for the petitioner
and learned AC to GA 4 for the respondents.

The present writ application has been filed for a direction to
the respondent authorities, particularly Respondent no.3, the
District Magistrate, Patna to take a final decision on the
application submitted by the petitioner before him in the year
2014, for grant of arms licence for N.P. Bore pistol.

It is submitted by learned counsel for the petitioner that the
petitioner being a business man, having perceived threat on his life
and property, applied for grant of licence for pistol in 2014 but



since then the application of the petitioner is pending. In spite of repeated representation the same has not been disposed of. However, it is further submitted that after coming into force of Arms Rules, 2016, the petitioner made an application in new format on 7.5.2018, though no statement to that effect has been made in the writ application, but till date the application has not been disposed of.

A.C. to G.A. 4, however, submits that at present he is not having any instruction but if the application of the petitioner has not been disposed of, the same will be disposed of within a time frame.

Having heard learned counsels for the parties, this Court is really dismayed to find that even though the Arms Act, 1959 provides for issuance of arms licence to people for personal safety and security, as also the security of property, but the petitioner has been waiting for grant of licence for gun since last several years.

Though in the Arms Rules, 1962 there was no time frame fixed for disposing of the application, taking notice of the callous manner in which the Licensing Authorities used to keep such application pending, this court, on various



occasions, issued directions for disposal of such applications fixing time frame. Still, when the authorities did not pay heed to such directions, the legislature thought it appropriate to fix a time framed for disposing of the application for grant of arms licence.

Rule 14 of the Arms Rules, 2016 prescribes the time limit for police report for grant of licences, stipulating therein that the licensing authority shall call for a report from the Officer-in-Charge of the nearest police station, on receipt of an application for grant of licence under subsection (1) of Section 13 or every subsequent renewal thereof under Section 15 and the Officer-in-Charge shall send his report in Form S-4, within a period of thirty days from the date of receipt of application by him.

Sub Rule (2) of Rule 14 of the Arms Rules, 2016 stipulates that the Central Government may extend the period of thirty days up to ninety days, by issuance of general or specific order, for certain areas or States, for any appropriate reasons.

Sub Rule (3) of Rule 14 of the Arms Rules, 2016 further stipulates that in case of non-receipt of police report within such stipulated time period of thirty days or ninety



days (whenever extended), the licensing authority may make an order in writing either for grant or for refusal of licence without waiting for such report. Rule 14 of the Arms Rules, 2016 reads as follows:

“14. Time limit for police report for grant of licences.— (1) On receipt of an application for grant of a licence under sub-section (1) of section 13 or every subsequent renewal thereof under section 15, the licensing authority shall call for a report of the officer-in-charge of the nearest police station on that application, and such officer shall send his report in Form S-4, within a period of thirty days from the date of receipt of application by him.

(2) The Central Government may by issuance of a general or special order, extend the period of thirty days as specified in sub-rule (1) up to ninety days for certain areas or States for any reason deemed appropriate by it.

(3) The licensing authority may in case of non-receipt of police report within the period of thirty days under sub-rule (1) or within the extended period under sub-rule (2), make an order in writing for grant or refusal of licence, without further waiting for the report.”



However, Rule 13 of the Arms Rules, 2016 prescribes time limit for grant of licence, which specifically suggests that the Licencing Authority, on considering the application and on being satisfied that the applicant has fulfilled the eligibility conditions, shall grant or refuse to grant a licence for permissible category of arms or ammunition specified in category III of Schedule I, to any person by recording in writing the reasons for such grant or refusal, by passing a speaking order, within a period of sixty days of the receipt of the police report.

Since the petitioner made application for grant of licence for the pistol in 2014 and there is nothing on record to suggest that the application of the petitioner has been disposed of, hence, it is high time that the licencing authority's slumber should break.

In the circumstances, Respondent no.3, the District Magistrate, Patna is expected to dispose of the application of the petitioner for grant of arms licence positively within a period of six weeks from the date of receipt/production of a copy of this order within the parameters of provisions of the Act.



Accordingly, the present writ application is disposed of
with the above observation/direction.

(Dinesh Kumar Singh, J)

anil/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

