

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.19221 of 2016**

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Avinash Kumar, Son of Late Shyam Kishore Singh, R/o-Village - Machaha,  
P.S.-Singhaul, District - Begusarai, Bihar

... .. Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Begusarai
3. The District Arms Magistrate, Begusarai
4. The Superintendent of Police, Begusarai

... .. Respondent/s

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**Appearance :**

|                      |   |                                     |
|----------------------|---|-------------------------------------|
| For the Petitioner/s | : | Mr. Avanish Kumar Singh, Adv.       |
| For the Respondent/s | : | Mr. Prabhat Kumar Verma, AAG 3      |
|                      |   | Mr. Saroj Kumar Sharma, AC to AAG 3 |

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL JUDGMENT**

**Date : 30-10-2018**

Heard Mr. Avanish Kumar Singh, learned counsel for  
the petitioner and Mr. Saroj Kumar Sharma, learned AC to AAG 3  
for the respondent-State.

Though, the present writ application was registered on  
30.11.2016, but till date no counter affidavit has been filed, hence  
in view of the nature of order this Court intends to pass, this Court  
is not inclined to adjourn the matter any further.

The present writ application has been filed for a  
direction to the respondent authorities, particularly, Respondent  
No.2, the District Magistrate, Begusarai-cum-Licensing Authority,  
under the Arms Act, 1959 (hereinafter referred to as 'the Act') to  
take a decision on the application of the petitioner, submitted on



05.10.2012, as contained in Annexure-1, for grant of arms licence for N.P. Bore Revolver/Pistol.

It is submitted by learned counsel for the petitioner that the petitioner is a contractor and social worker. He apprehended insecurity to his life and property, upon which he submitted an application before Respondent No.2, the District Magistrate, Begusarai on 05.10.2012 for grant of arms licence for N.P. Bore Revolver/Pistol. Consequently, the police report was submitted as far back as on 08.11.2012 by the Officer-in-Charge, Singhaul Police Station recommending the case of the petitioner and subsequently by the Sub-Divisional Police Officer, Sadar Begusarai on 27.06.2013, but till date in spite of the representation being submitted on 21.03.2016, as contained in Annexure-4, no decision has been taken. Hence, the present writ application.

Mr. Sharma, learned AC to AAG 3 submits that at present, he is not having any instruction, but if no decision has been taken till date on the application of the petitioner for grant of arms licence for N.P. bore Revolver/Pistol, the same will be taken within a considerable time frame.

Having heard learned counsels for the parties, though neither under Section 13 nor under Section 14 of the Arms Act nor under Rule 51 of the Arms Rules, 1962, any time frame has been



fixed for the licensing authority to take a decision on the application submitted for grant of arms licence. However, after coming into force of Arms Rules, 2016 (hereinafter referred to as Rules, 2016) a time frame has been fixed. Both Rules 13 and 14 of the Rules 2016 as well as Schedule V, which has been framed under Rule 16 of Rules, 2016, mandate the duty of the licensing authority under NDAL (National Database of Arms Licence). Rule 14 prescribes the time limit for police report to be submitted by the Officer-in-Charge of the nearest police station, wherein it is specifically laid down that on the receipt of application for grant of a licence under Sub-section (1) of Section 13 or on every subsequent renewal thereof under Section 15, the licensing authority shall call for a report from the officer-in-charge of the nearest police station, and such officer shall send his report in Form S-4, within a period of 30 days from the date of receipt of application by him, whereas Rule 13 of Rules, 2016 prescribes the time limit for licensing authority to grant licence which stipulates that the licensing authority after considering the application and on being satisfied that the applicant has fulfilled the eligibility conditions, shall grant or refuse to grant licence by a reasoned speaking order in writing within a period of 60 days of the receipt of the police report.



Schedule V, which has been framed under Rule 16 of the Rules 2016, prescribes the time limit for the various services for licensing authority under Schedule II. It prescribes 16 various types of services or types of orders which can be passed by the licensing authority, whereas Serial No. 17 prescribes the time limit of 7 days for any other services which are not defined in Schedule V.

Serial No.1 stipulates police verification under Rule 14 which also stipulates 30 days time for submission of police report from the date of receipt of application. Serial No. 2 prescribes the nature of services for grant or refusal of a licence under Rule 13 and it prescribes 60 days period for the licensing authority after receipt of the police report.

This Court is dismayed to find that either the licensing authority is not bothered about the statutory provisions or he is still ignorant about the coming into force of Rules, 2016.

In the circumstance, since there is nothing on record to suggest that any final decision has been taken by the licensing authority on the application of the petitioner, it is expected from the Respondent No.2, the District Magistrate-cum-licensing authority, Begusarai to take a decision on the application of the



petitioner within a period of six weeks from the date of receipt/production of a copy of this order.

It is made clear that if the licensing authority wants to update the form as per the requirement under Rules 2016 then he will give appropriate intimation and get it updated and also try not to pass a mechanical order particularly in view of the fact that Rules, 2016 has come into force.

Accordingly, with the above mentioned directions/observations, this writ application is disposed of.

**(Dinesh Kumar Singh, J)**

Amrendra/-

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