

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.2322 of 2018**

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Pramod Kumar Yadav, Son of Sri Mukhlal Yadav, Resident of Village- Pakri  
Dikshit, P.S.- Kalyanpur, District- East Champaran.

... .. Petitioner

Versus

1. The State of Bihar,
2. The District Magistrate, East Champaran at Motihari.
3. The District Arms Magistrate, East Champaran at Motihari.
4. The Superintendent of Police, East Champaran at Motihari.
5. The Sub Divisional Judicial Magistrate, Chakioya, East Champaran at Motihari.

... .. Respondents

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**Appearance :**

For the Petitioner : Mr. Rakesh Ranjan, Adv.  
For the Respondents : Mr. P.K. Verma, AAG-3

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

**Date : 23-03-2018**

Heard Mr. Rakesh Ranjan, learned counsel for the petitioner  
and Ms. Divya Verma, learned AC to AAG-3 for the respondents.

Though, the present writ application has been registered on  
05.02.2018, but till date no counter has been filed, hence this  
Court is not inclined to adjourned the matter any further,  
particularly in view of the nature of order this Court intends to  
pass.

The present writ application has been filed for a direction to  
the respondent authorities for grant of arms licence for rifle to the  
petitioner.

It is submitted by learned counsel for the petitioner that the  
petitioner is a partner in brick kiln, namely, M/s Shatraj Chimni



Udyog, Brita Bazar, Chakiya, East Champaran. Since the native place of the petitioner is naxal affected, hence apprehending the threat to his life and property, the petitioner submitted an application on 25.02.2015, before respondent no.2, the District Magistrate, East Champaran, as contained in Annexure-1, for grant of arms licence for rifle. Subsequently, the police authorities recommended for grant of such licence, but till date, the licensing authority has not disposed of the application of the petitioner. Hence, the present writ application.

Learned AC to AAG-3 submits that at present, she is not having any instruction, however, if the application of the petitioner has not been disposed of till date, then the same will be disposed of by the licensing authority within a time frame.

Having heard learned counsel for the parties, this Court is of the view of that Section 13 of the Arms Act, stipulates the provision for grant of arms licence, which stipulates that on submission of the application for grant of arms licence, the licensing authority will call for a police report from the nearest police station and thereafter on receipt of the police report, considering the report the licensing authority will pass a speaking order in writing. It also provides that if the police report is not received within prescribed time, then the licensing authority may



dispose of the application without police report. Rule 51 of the Arms Rule, 1962 deals with format of the application for grant of arms licence, but neither Section 13 of the Arms Act, 1959 nor Rule 51 of the Arms Rule, 1962 prescribes any time limit for disposal of such application.

However, inordinate delay in disposal of such application perhaps attracted the attention of the legislature culminated into fixing of a time frame for grant of arms licence. Rule 13 of the Arms Rules, 2016, which stipulates that if someone applies for arms licence, then the same has to be disposed of by the licensing authority by a reasoned speaking order in writing within a period of sixty days from the date of receipt/production of the report. Rule 14 of Arms Rules, 2016 suggests that the police report has to be sent in form S-4 within 30 days from the date of receipt of application by such police officer, but in the present case, it appears that the application was made as far back on 20.05.2015, but more than three years have lapsed, but it appears that the application of the petitioner has not been disposed of.

In the circumstances, in view of the discussions made above, respondent no.2, the District Magistrate, East Champaran is expected to dispose of the application of the petitioner within a



period of four weeks from the date of receipt/production of a copy of this order.

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

(Dinesh Kumar Singh, J)

Amrendra/-

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