

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6402 of 2018

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Md. Mushtaque son of Sri Abdul Sattar Resident of Gaushala Road, P.S.
Dumraon, District Buxar.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Govt. of Bihar, Patna.
2. The Divisional Commissioner, Patna Division, Patna.
3. The District Magistrate, Buxar.
4. The Superintendent of Police, Buxar.
5. The District Arms Magistrate, Buxar.
6. The Sub Divisional Officer Dumraon, District Buxar.
7. The Officer In-Charge Dumraon Police Station, Dumraon, District Buxar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bishwa Nath Chaudhary, Advcoate

For the Respondent/s : Mr. Harshvardhan Singh Sundaram, AC to SC-8

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 13-07-2018

Heard Mr. Bishwa Nath Chaudhary, learned counsel for the petitioner and Mr. Harshvardhan Singh Sundaram, learned AC to SC-8.

The present writ application has been filed for a direction to Respondent No. 3, District Magistrate, Buxar to dispose of Arms Case No. 204 of 2005 in the light of the order passed by Respondent No. 2, Divisional Commissioner, Patna Division, Patna vide order dated 26.04.2016 passed in Arms Appeal No. 767 of 2014, as contained in Annexure-5.

It is submitted by learned counsel for the petitioner



that the petitioner submitted an application for grant of arms licence for rifle, which has been rejected by Respondent No. 3, District Magistrate, Buxar vide order dated 02.08.2014. Thereafter, the said order was challenged in Arms Appeal No. 767 of 2014 before the Divisional Commissioner, Patna Division, Patna, who vide order dated 26.04.2016, remanded the matter to reconsider the application of grant of licence to the petitioner but since then, the matter is pending in spite of representation submitted by the petitioner on 02.02.2017 before Respondent No. 3 the District Magistrate, Buxar, as contained in Annexure-6.

Learned AC to SC-8 submits that if the case of the petitioner has not been disposed of till date, the same will be disposed of within a time frame.

Earlier, either in Arms Act, 1959 or Arms Rules, 1962 there was no time frame for exercise of such statutory jurisdiction by the licensing authority but in Arms Rules, 2016 the time framed has been fixed. Under Rule 14, the police report has to be submitted by the Officer-in-Charge of the concerned police station within one month of the application and under Rule 13, the licensing authority has to decide the issue of grant or refusal to grant arms licence with reasoned and speaking order within sixty days of the receipt of the police report. Hence, the action or



inaction of the licensing authority i.e. Respondent No. 3, District Magistrate, Buxar is to the derogation to the statutory provisions under Rules 13 and 14 of the Arms Rules, 2016.

In the circumstances, it is expected from Respondent No. 3, District Magistrate, Buxar to decide the issue for grant of licence within the parameters of Sections 13 and 14 of the Arms Act, 1959 and Rules 13 and 14 of the Arms Rules, 2016 within a period of four weeks from the date of receipt/production of a copy of this order.

Accordingly, this writ application is disposed of.

(Dinesh Kumar Singh, J)

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