

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18179 of 2017

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Sagar Singh, Son of Late Khakhanu Singh, Resident of Village-Paharpur,
Post-Baraila, Police Station-Sheosagar, District-Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Home Department,
Government of Bihar, Patna.
2. The District Magistrate, Rohtas, Sasaram.
3. The District Magistrate, Samastipur.
4. The Superintendent of Police, Rohtas, Sasaram.
5. The Officer incharge, Sheosagar Police Station, District-Rohtas, Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Choubey
For the Respondent/s : Mr. AC to GP 2

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 14-05-2018

Heard learned counsels for the parties.

The present writ application has been filed for a direction to the Respondent no. 2, the District Magistrate, Rohtas at Sasaram to renew the Arms Licence No. 1503/91 of the petitioner of DBBL gun, bearing Gun No. 37257. Further prayer has been made for allotment of unique number of the petitioner's Arms Licence under the scheme of National Data Base of Arms Licence.

The factual matrix of the case is that the petitioner being a Constable in Bihar Police, while posted at Samastipur, made an application before the District Magistrate, Samastipur for grant of



Arms Licence of DBBL Gun. Consequently, the petitioner was granted licence vide Licence No. 1503/91 on 31.12.1991 as contained in Annexure 1. Thereafter, the arms licence of the petitioner was renewed up to 2009 by different Licensing Authorities at different places of posting of the petitioner. Ultimately, the petitioner retired in 2010 while he was posted at Control Room of District Magistrate, Rohtas and at present the petitioner is residing at his native place within the territorial jurisdiction of Rohtas District. The petitioner submitted an application, as contained in Annexure 4, before the District Magistrate Rohtas on 5.3.2010 for renewal of Arms Licence and also deposited requisite fee for renewal of arms licence. Thereafter, the District Magistrate, Rohtas called for NOC and verification report which was received in December, 2014 but still, despite several reminders, when the petitioner was expecting renewal of his arms licence, he received a Notice vide Memo no. 1847/Arms dated 15.11.2016 as contained in Annexure 5 issued under the signature of District Arms Magistrate, Rohtas for submission of a copy of the unique number of his arms licence. The petitioner also submitted reply to the notice vide reply dated 23.9.2017, as contained in Annexure 6 before the District Arms Magistrate, Rohtas stating that he has not received any unique



number, with a further request to allot unique number to his arms licence but till date the application of the petitioner for renewal of his arms licence has not been disposed of.

AC to GP 5 submits that at present he is not having any instruction. However, if the petitioner's arms licence has not been renewed till date, a decision will be taken by the Licensing Authority within a time frame.

This is not in dispute that the petitioner was granted arms licence for double barrel gun in 1991 and the same was renewed up to 2009. A person who is holding arms under a valid licence for eighteen years and there is nothing on record that he has misused the privilege of arms licence, it appears absolutely unreasonable that since last several years the application of the petitioner for renewal of arms licence has been kept pending, without any reason thereof.

Neither Section 15 of the Arms Act, 1959 nor Rule 54 of Arms Rules, 1962 does not prescribe a time limit for renewal of arms licence, but under Rule 24 of Arms Rules, 2016, it has been stipulated that the arms licence has to be renewed within a period of thirty days of the receipt of the police report. Sub-rule (2) of Rule 24 prescribes the period for filing an application for renewal of a licence for arms or ammunition before sixty days of its expiry.



No doubt, prima facie, it appears that the arms licence of the petitioner expired in 2009 and the application for renewal was made in 2010, but there is provision under sub-rule (4) of Rule 54 of Arms Rules, 1962 as well as sub-rule (5) of Rule 24 of Arms Rules, 2016 for considering to condone the delay in making such application for renewal of Arms licence. Though there is nothing on record to suggest that the petitioner deposited his arms before the Licencing Authority or the concerned Arms Magistrate, however, keeping in view the fact that renewal is not being made since 2010, it is high time for the Licencing Authority, i.e. the District Magistrate, Rohtas to take a decision on the application of the petitioner, if not already disposed of, preferably within a period of six weeks from the date of receipt/production of a copy of this order.

(Dinesh Kumar Singh, J)

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CAV DATE	
Uploading Date	
Transmission Date	

