

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9980 of 2018

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Ratnesh Kumar Pandey, S/o Kamaldeo Pandey, Resident of Village – Ismail Chak, P.O. – Govind Chak, P.S. – Sonpur, District – Saran.

.... Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
2. The District Magistrate, Saran at Chapra.
3. The Superintendent of Police, Saran at Chapra.
4. The Sub-Divisional Police Officer, Saran at Chapra.
5. The Station House Officer, Sonpur, Saran at Chapra.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Tej Pratap Singh, Advocate
For the Respondent/s : Mr. Sheo Shankar Prasad -SC8
Mr. Anil Kumar, AC to SC8

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 19-06-2018

Since the writ application has been registered

on 17.05.2018 but no counter affidavit has been filed, this Court is not inclined to adjourn the matter any further.

Heard Mr. Tej Pratap Singh, learned counsel for the petitioner and Mr. Anil Kumar, learned AC to SC-8.

The present writ application has been filed for a direction to the respondent authority, particularly, Respondent no. 2, District Magistrate, Saran at Chapra to take a final decision on the application of the petitioner submitted for grant of licence of DBBL gun.

It is submitted by learned counsel for the



petitioner that the petitioner being an agriculturist for the purpose of security and property made an application for grant of licence of DBBL gun on 19.12.2012 before the District Magistrate, Saran. Consequently the report was called for from Sonapur police station. The Station House Officer, Sonapur police station submitted report and thereafter notice was issued by the District Magistrate to the petitioner dated 12.01.2017 for appearance. In pursuance to that, the petitioner appeared on 07.02.2017 but on one pretext or the other the matter was being adjourned till date and on the application of the petitioner no decision has been taken. Hence, the present writ application.

Learned counsel for the respondents submits that, at present, he is not having any instruction, but if the application of the petitioner is still pending, the same will be processed within a time frame as directed by this Court.

Having heard the learned counsel for the parties, this Court is of the view that neither under Section 13 of the Arms Act, 1959, which stipulates the provision for grant of Arms licence nor under Rule 51 of Arms Rule, 1962, which prescribes the mode of application for the licence, any time limit has been stipulated for taking a decision on the application of arms licence by the licensing authority. However, this Court through



several judgments directed for disposing of the application submitted for grant of Arms licence within a period of two months in which police report has been submitted and within a period of four months in which the police report is awaited. Consequently, advisory was issued by the Department of Home, Govt. of Bihar, but it had no impact on the licensing authority as a result the legislative framed rules, fixing time limit for processing of such applications. Rule 14 of Arms Rules, 2016 prescribes time limit for transmitting police report to licensing authority within a period of one month of receipt of the application. On receipt of the police report the licensing authority under Rule 13 of the said Rules is expected to dispose of the application by speaking order either granting the licence or rejecting the prayer for grant of licence within a period of sixty days, but it appears that licensing authority is not bother even to implement the legislative mandate. In the present case the application for grant of Arms licence is pending, since last more than five years which suggests the callous manner in the licensing authority, District Magistrate as well as S.P., Saran are functioning.

In view of the discussions made above, the Respondent no. 2, District Magistrate, Saran is expected to take a final decision on the application of the petitioner for grant of



licence of DBBL gun within a period of two months of the receipt/production of a copy of this order.

Accordingly, this writ application is disposed of.

DKS/-

(Dinesh Kumar Singh, J)

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