

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10392 of 2018**

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Sanjeev Kumar Son of Surendra Singh Resident of Village- Mosimpur, P.S.  
Khusrupur, District- Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Patna.
3. The Senior Superintendent of Police, Patna.
4. The Superintendent of Police(Rural), Patna.
5. The Sub-Divisional officer, Patna City, Patna.
6. The District Arms Magistrate, Patna.
7. The Station House Officer, Khusrupur, Patna.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Nagendra Kumar Singh, Advocate

For the Respondent/s : Mr. Manish Kumar -GP4  
Mr. Ravi Verma, AC to GP4

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

ORAL ORDER

02/ 21-06-2018

Heard Mr. Nagendra Kumar Singh, learned

counsel for the petitioner and Mr. Ravi Verma, learned AC to GP-

4.

Since the present writ application has been registered on 22.05.2018 but no counter affidavit has been filed till date hence, 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, District Magistrate, Patna to take a final decision on the application of the petitioner submitted in July, 2016 for grant of licence for N.P. Bore Rifle.



It is submitted by learned counsel for the petitioner that the father of the petitioner is a licensee having Arms Licence No. 8/2004 of N.P. Bore Rifle. Since an attempt on the life of the petitioner was made leading to registration of Khusrupur P.S. Case No. 163 of 2016 for the offences punishable under Sections 341, 323, 506/34 of the Indian Penal Code and Section 27 of the Arms Act, the petitioner submitted an application for grant of licence for N.P. Bore Rifle in the year 2016, but the application of the petitioner is pending till date.

Learned counsel for the respondents submits that if decision has not been taken till date then it will be taken within a time frame as directed by this Court.

The issue in such a writ application as to whether the licensing authority can keep the application for grant of licence for any indefinite period. It is true that in Arms Act, 1959 or under Rule 51 of Arms Rules, 1962 there is no time limit prescribed for taking a decision on application submitted for grant of licence. However, this Court on several occasions directed the licensing authority to dispose of such application for grant of licence within two months in which police report has been received and in four months wherein the police report is awaited. Similar advisory was issued by the Department of Home, Govt. of Bihar, but it appears



that it did not bear any impact on the licensing authority. It is manifest that the licensing authority has not followed the guidelines strictly for taking decision on such application for grant of licence, in accordance with Rule 14 of Arms Rules, 2016, which stipulates that period of thirty days for receipt of the application has been prescribed for transmitting the police report to the licensing authority and the licensing authority has been given liberty to take a decision by speaking and reasoned order within two months of the receipt of the police report. Moreover, Rule 25 of Arms Rules, 2016 stipulates certain parameters for giving preference to the grant of arms licence to the legal heirs of licensee.

In the circumstances, it is expected from Respondent no. 2, District Magistrate, Patna to take a final decision on the application of the petitioner by speaking and reasoned order in view of the provisions of Rules, 13, 14 and 25 of Arms Rules, 2016 within six weeks from the date of receipt/production of a copy of this order.

Accordingly, this Writ application is disposed of.

**(Dinesh Kumar Singh, J)**

DKS/-

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