

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11535 of 2018

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Mukesh Kumar son of Late Jai Nath Prasad, R/o House- Champaran Kothi,
Mohalla- Old Jakkanpur, P.S.- Jakkanpur, P.O.- G.P.O, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Home Department, Govt. of Bihar, Patna.
3. The District Magistrate, District- Patna at Patna.
4. The Arms Magistrate, Patna, District- Patna.
5. The Sub- Divisional Magistrate, Sadar Sub- Division, Patna.
6. The Senior Superintendent of Police, District- Patna at Patna.
7. The S.H.O., Jakkanpur Police Station, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satyeshwar Prasad, Advocate
For the Respondent/s : Mr. Shailesh Kumar, AC to GP-5

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 13-07-2018

Heard Mr. Satyeshwar Prasad, learned counsel for

the petitioner and Mr. Shailesh Kumar, learned AC to GP-5.

The present writ application has been filed due to non-taking decision on the application of the petitioner for grant of arms licence for DBBL 12 Bore gun by the licensing authority i.e., Respondent No. 3, District Magistrate, Patna.

The factual matrix of the case is that the petitioner's father late Jai Nath Prasad was having arms licence for DBBL 12 Bore Gun vide licence no.979/78 and from 1978 to 31.12.2016, it was renewed from time to time. The father of the petitioner died on 27.06.2016, thereafter, the petitioner deposited



the said DBBL 12 Bore Gun No. 38881 before an arms dealer namely M/s Gun House, Patna on 25.07.2016, the receipt of which has been brought on record as Annexure-3. Thereafter, the petitioner submitted an application in the prescribed form under the Act for grant of arms licence on 02.09.2016, as contained in Annexure-P4 but since then, it is pending and no decision has been taken. Hence, the present writ application.

Learned AC to SC-8 submits that at present he has no instruction, however, if no decision has been taken on the application of the petitioner till date, it will be taken within a time frame.

In Arms Rules, 1962 there was no time frame fixed for exercise the statutory jurisdiction under Section 13 for grant of licence. Rule 51 of The Arms Rules, 1962 only stipulates the various types of forms of the application for issuance of various types of arms. However, keeping in view the fact that earlier, the licensing authority used to keep the application for the licence pending for months and years together, the legislature thought it proper to fix time a frame under Arms Rules, 2016. Rule 14 of the Arms Rules, 2016 prescribes one stipulated time for submission of police report from the date of application whereas Rule 13 of the Arms Rules, 2016 prescribes two months time to



take final decision for grant or refusal to grant licence by licensing authority by speaking and reasoned order. But, this Court is dismayed to find that the application of the petitioner has been pending since 2016. It is high time that the licensing authority i.e., Respondent No. 3, District Magistrate, Patna to take decision on the application of the petitioner within four weeks from the date of receipt/production of a copy of this order, keeping in view of the mandate of Rule 25 of Arms Rules, 2016 which stipulates that the preference to be given under the heirloom policy to the heirs of the licensee. The petitioner’s case comes within that parameter.

Accordingly, this writ application is disposed of.

(Dinesh Kumar Singh, J)

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