

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13576 of 2018

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Brij Bhushan Singh @ Braj Bhushan Singh, Son of Prem Narayan Singh,
Resident of Village-and Post Office- Pipriya, Police Station-Mohaniya,
District-Kaimur at Bhabhua.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department,
Government of Bihar, Patna.
2. The Divisional Commissioner, Patna Division, Patna.
3. The District Magistrate, Kaimur at Bhabua.
4. The Superintendent of Police, Kaimur at Bhabua.
5. The Sub-Divisional Officer Mohania, District-Kaimur at Bhabua.
6. The Circle Office, Mohania, District-Kaimur at Bhabhua.
7. The S.H.O. Police Station Mohania, District-Kaimur at Bhabua.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jay Prakash Sharma, Advocate

For the Respondent/s : Mr. Sheo Shankar Prasad, SC-8

Mr. Harshvardhan Singh Sundaram, AC to SC-8

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 24-07-2018

Learned counsel for the petitioner is permitted

to make necessary correction in the petition.

Heard Mr. Jay Prakash Sharma, 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, Kaimur at

Bhabua to take a final decision in Arms Licence Case No. 137 of

2014-15 which has been initiated to consider the application of the

petitioner for grant of licence for rifle.



It is submitted by learned counsel for the petitioner that the petitioner is a resident of Kaimur District and for the safety of his life and property, he submitted an application for grant of licence for rifle on 24.08.2009 before the licensing authority, i.e., Respondent No. 3, District Magistrate, Kaimur at Bhabua, as contained in Annexure-1, whereupon, the District Magistrate directed the concerned authority to submit a report to that effect, as contained in Annexure-2. Consequently, the Station House Officer of Mohania police station submitted a report to the Superintendent of Police, Kaimur recommending for grant of licence to the petitioner. Thereafter, Respondent No. 4, the S.P., Kaimur vide letter No. 357 dated 06.12.2013 transmitted the recommendation to the District Magistrate, as contained in Annexure-5. Thereafter, on the basis of such recommendation Arms Licence Case No. 137 of 2014 was instituted and the petitioner was directed to appear before the licensing authority, i.e., District Magistrate. Thereafter, another report was called for from the S.P., Kaimur at Bhabua and the said report was also submitted to the licensing authority on 13.11.2016, as contained in Annexure-8, but till date no final decision has been taken in that regard. Hence, the present writ application.

Learned AC to SC-8 submits that at present, he



is not having any instruction whether any decision has been taken on the application of the petitioner or not, but if no decision has been taken till date, it will be taken by the licensing authority within a reasonable time frame.

Initially, though, there is no time frame fixed for taking decision on the application submitted for grant of licence under Sections 13 and 14 of the Arms Act, 1959 or under the provisions of Arms Rules, 1962 but now in Arms Rules, 2016 there is a specific provision under Rule 14 that the S.H.O. of nearest police station will submit the police report within thirty days of receipt of the application, whereas Rule 13 mandates that the licensing authority will take a final decision by speaking and reasoned order in writing either refusing or granting the licence within a period of sixty days of the receipt of police report.

It is not in dispute that in the present case, the application for the arms licence was made by the petitioner in 2009, while the police report was submitted in 2016, hence, the action or inaction of the licensing authority is in complete derogation to the statutory provisions.

In view of the discussions made above, it is expected from Respondent No. 3, District Magistrate, Kaimur at Bhabua to take a final decision on the application of the petitioner



within six weeks from the date of receipt/production of a copy of this order.

Accordingly, the writ application is disposed of.

DKS/-

(Dinesh Kumar Singh, J)

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