

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16529 of 2018

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Amar Sinha son of Late Kameshwar Prasad Sinha Resident of Mohalla Fort Area, Police Station Kotwali, Post Office Munger, District Munger.

.... Petitioner/s

Versus

1. The State of Bihar, through Divisional Commissioner Munger.
2. The District Magistrate, Munger.
3. The Superintendent of Police, Munger.
4. The Sub Divisional Officer, Munger.
5. The Inspector Munger Kotwali, Munger.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Harshwardhan Sahay, Advocate

For the Respondent/s : Mr. Partha Sarthi, GA-4

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 06-09-2018

Heard Mr. Harshwardhan Sahay, learned counsel for the petitioner and Mr. Kumar Bikram, learned AC to GA-4.

In view of nature of order this Court intends to pass, this Court is not inclined to adjourn the matter any further.

The present writ application has been filed for a direction to Respondent No. 2, the District Magistrate, Munger – cum- Licensing Authority under the Arms Act to take a final decision on the application of the petitioner submitted for grant of arms licence for N.P. Bore Pistol on 13.04.2015.

It is submitted by learned counsel for the petitioner that the petitioner is a practicing Advocate and he



submitted an application on 13.04.2015 for grant of arms licence for N.P. Bore Pistol before Respondent No. 02 the District Magistrate, Munger. Subsequently, the police submitted report in favour of the petitioner recommending for grant of arms licence in his favour but in spite of that decision has not been taken by the licensing authority. Thereafter, the petitioner preferred an appeal being Misc. Appeal No. 75 of 2017 before the Commissioner, Munger Division, Munger, who vide order dated 13.09.2017, as contained in Annexure-1, directed the licensing authority to pass a reasoned order on the application of the petitioner. Despite the same decision has not been taken on the application of the petitioner by the respondent authority till date. Hence, the present writ application.

Learned AC to GA-4 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 he adds to say that if decision has not been taken till date, it will be taken by the licensing authority within a reasonable time frame.

In view of the provisions under Rules 13 and 14 of the Arms Rules, 2016, the licensing Authority is obliged to pass order on the application submitted for grant of arms licence within a time frame. Rule 14 of Arms Rules, 2016 mandates the



period of thirty days on receipt of the application for transmission of the police report by the Station House Officer of nearest police station to the licensing authority, whereas Rule 13 prescribes the period of sixty days for the licensing authority to pass a reasoned and speaking order in writing on receipt of the police report either for granting or refusing to grant licence to such applicant.

The submission of police report has already been made in the present case. It appears that the petitioner submitted an application in 2015 and the police report was submitted in 2015 itself but it is the licensing authority who has shirked his statutory duty by not passing any order on the application of the petitioner despite the direction given by the Commissioner, Munger Division, Munger in Misc. Appeal No. 75 of 2017. There is nothing on record to suggest that any final decision has been taken on the application of the petitioner, which is in absolute derogation to the provisions under the Arms Rules, 2016.

In view of the discussions made above, it is expected from Respondent No. 2, the District Magistrate, Munger to take a final decision on the application of the petitioner, if it has already not been taken, within a period of four weeks from the date of receipt/production of a copy of this order.



With the above observation and direction, this writ application is disposed of.

(Dinesh Kumar Singh, J)

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