

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18298 of 2018

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Deo Kumar Son of Parma Sah Resident of At- Braharam Chowk,
Puranichowk, Ward No. 16, Police Station- Gopalganj, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Government of Bihar, Patna.
2. The Divisional Commissioner, Saran Region, Saran at Chapra.
3. The District Magistrate, Gopalganj.
4. The Superintendent of Police, Gopalganj.
5. The Officer-in-Charge, Gopalganj Town, Police Station, District- Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate

For the Respondent/s : Mr. Prabhat Kumar Verma, AAG-3

Mr. Sanjay Kumar Ghosarvey, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 27-09-2018

Heard Mr. Javed Aslam, learned counsel for the petitioner and Mr. Sanjay Kumar Ghosarvey, learned AC to AAG-3.

The present writ application has been filed for a direction to respondent no. 3, the District Magistrate, Gopalganj –cum- Licensing Authority under the Arms Act to take a decision on the application of the petitioner submitted on



17.08.2009 for grant of licence for N.P. Bore Rifle.

It is submitted by learned counsel for the petitioner that the petitioner is a practicing lawyer of Gopalganj Civil Court having a professional career of 19 years and apprehending insecurity to his life and property, he submitted an application on 17.08.2009 before the District Magistrate, Gopalganj –cum- Licensing Authority for grant of licence for N.P. Bore Rifle. Subsequently, the police also made recommendation in favour of the petitioner but in spite of the same decision has not yet been taken on the application of the petitioner. Hence, the present writ application.

Mr. Sanjay Kumar Ghosarvey, learned AC to AAG-3 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 further submits that if any decision has not been taken till date, it will be taken by the licensing authority within a reasonable time frame.

From perusal of the record it appears that the petitioner submitted application for grant of licence for N.P. Bore Rifle in 2009 when Arms Rules, 1962 was in force. Neither Under Sections 13 or 14 of the Arms Act, 1959, which stipulates the provision for grant to refusal to grant the arms licence or under



Rule 51 of Arms Rules, 1962 which prescribes format for making application for grant of licence of various types of arms, any time frame was stipulated for disposal of such application. Though, this Court through various judicial pronouncements, and particularly in Dwivedy Surendra Vs. The State of Bihar and another, reported in 2007(3) PLJR 76, all the licensing authorities were directed to dispose of all the pending applications for licence within a period of two months in which the police report has been received and in the case of non-receipt of the police report within a period of four months. However, these judicial pronouncements seemingly did not bear any impact on the licensing authority, resultantly, the application for grant of licence were kept pending by the licensing authority for months and years together. Realizing the callous manner under which the licensing authorities were exercising the statutory jurisdiction vested in them, it appears that while drafting Arms Rules, 2016 a time frame for exercise of discretion by the licensing authority has been fixed with regard to grant or refusal to grant licence. The relevant Rules are Rules 13 and 14 of the Arms Rules, 2016, wherein under Rule 14 of Arms Rules, 2016 stipulates that on receipt of the application for grant of arms licence the licensing authority shall call for a report from Officer-in-Charge of the nearest police station, who shall submit the report



within thirty days of receipt of the application by him, whereas Rule 13 of Arms Rules, 2016 stipulates that the licensing authority after considering the application and on being satisfied that the applicant has fulfilled the eligibility condition shall take a final decision by a speaking and reasoned order in writing either granting or refusing to grant the arms licence within sixty days of the receipt of police report. There is nothing on record to suggest that any order has been passed by the licensing authority as yet.

It is high time that the slumber of the licensing authority should break. The whole mess has been created only because there is no seriatim of the applications being received by the licensing authority. It is expected from the licensing authority to prepare a seriatim list made of the applications and thereafter, dispose of all the pending applications as per their seriatim of filing in the district within a period of two months of the receipt/production of a copy of this order. It is also expected from the licensing authority to publish the list of all pending applications every fortnight on the local website of the licensing authority.

In view of the discussions made above, it is expected from respondent no. 3, the District Magistrate, Gopalganj to take a decision on the application of the petitioner within a



period of four weeks from the date of receipt/production of a copy of this order.

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

(Dinesh Kumar Singh, J)

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