

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19792 of 2016

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Kunal Kishore S/o Shree Upendra Kumar Sharma, R/o Village- Dani Bihga,
P.S.- Nagar, Thana_ Aurangabad, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar
2. The State of Bihar through Chief Secratry Govt. of Bihar, Patna.
3. The Principal Secrety Deptt. of Home ,Govt. of Bihar, Patna.
4. The District Magistrate, Aurangabad.
5. The Superitendent of Police, Aurangabad.
6. The Sub Divisional officer, Aurangabad, Sadar.
7. The Officer in Charge, Nagar Thana, Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv ocate
For the Respondent/s : Mr. Partha Sarthi- GA4

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

02/ 15-02-2018

Heard Mr. Praveen Kumar, learned counsel

for the petitioner and Mr. Apurva Kumar, learned AC to GA-4.

The present Writ application has been filed
for a direction to respondent no. 3, District Magistrate,
Aurangabad, licensing authority under the Arms Act to dispose of
the application of the petitioner submitted for grant of N.P. Bore
Rifle licence, which is pending since 2011.

It is submitted by learned counsel for the
petitioner that the petitioner submitted application for grant of
licence of N.P. Bore Rifle before the District Magistrate,
Aurangabad in 2011 and thereafter, the police report was received



recommending such grant, but till date the application of the petitioner has not been disposed of. The petitioner submitted several representations, lastly on 23.08.2016, as contained in Annexure-2, for grant of N.P. Bore Rifle licence, but since then more than seven years have been passed and the application of the petitioner has not been disposed of.

Mr. Apurva Kumar, learned AC to GA-4 submits that, at present, he is not having any instruction whether the application is still pending or not and he further submits that if the same is pending, then the District Magistrate will dispose of the application of the petitioner within a time frame.

Having heard the learned counsels for the parties, this Court dismayed to find that the application for grant of Arms licence is pending since last more than seven years. Though, there was no time limit fixed for disposal of the application under Arms Rule 1962, but Rule 13 of Arms Rules, 2016 prescribes time limit for grant of Arms licence as sixty days from the date of receipt of police report. Rule 13 reads as under:-

“The time limit for grant of licence. – The licensing authority, after consideration the application and on being satisfied that the applicant has fulfilled the eligibility



conditions, shall grant or refuse to grant a licence for permissible category of arms or ammunition satisfied in category III of Schedule I, to any person by recording in writing the reasons for such grant or refusal by passing a speaking order, within a period of sixty days of the receipt of the police report.

Provided that the licensing authority was specify, the type of arms and ammunition to be procured by the applicant after assessing the reason and the need for possession of the type of arms and ammunition applied for by the applicant, considering the lethality or fire-power.”

The material on record suggests that police report was received by the licensing authority long ago but till date the application of the petitioner for grant of licence of N.P. Bore Rifle, which is pending since 2011 has been disposed of. A Division Bench of this Court in the case of Dwivedy Surendra Vs. The State of Bihar & Ors. passed order in C.W.J.C. No. 13496 of 2004, reported in 2007(3) PLJR 76 and directed all the licensing



authority of the State of Bihar under the Arms Act to dispose of such application for grant of licence within two months on receipt of police report or four months in case of non-receipt of the police report. It is high time for the licensing authority to dispose of such applications.

In view of the discussions made above, the Collector, Aurangabad, respondent no. 3 is directed to dispose of the application of the petitioner for grant of arms licence within a period of 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)

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