

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19777 of 2016

=====

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 through Chief Secretary Govt. of Bihar, patna
2. The Principal Secretary, Deptt. of Home, Govt. of Bihar, Patna
3. The District Magistrate, Aurangabad
4. The Superintendent of Police , Aurangabad
5. The Sub Divisional Officer, Aurangabad, Sadar
6. The Officer in Charge, Nagar Thana, Aurangabad

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Respondent/s : Dr. Anand Kumar, AC to AAG-3

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 15-02-2018

Heard Mr. Praveen Kumar, learned counsel

for the petitioner and Dr. Anand Kumar, AC to AAG-3.

Since the writ application was registered on 13.12.2016 but till date no counter affidavit has been filed, but in view of the 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 the respondents particularly respondent no. 3, District Magistrate, Aurangabad, licensing authority under the 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 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, the last one being 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 passed, but the application of the petitioner has not been disposed of.

Dr. Anand Kumar, learned AC to AAG-3 submits that, at present, he is not having any instruction whether the application is still pending or not, but if the same is pending then District Magistrate will dispose of the application of the petitioner within a time frame.

Having heard the learned counsel 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 is no period limit fixed for disposal of the application under Arms Rule 1962, but under Rule 13 of 2016 Rules the prescribed time limit for grant of Arms licence is sixty



days. 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, but the licensing authority, till date has not



disposed of the application of the petitioner for grant of N.P. Bore Rifle, which is pending since 2011. 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 that the licensing authority shall 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)

DKS/-

U			
---	--	--	--

