

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8927 of 2017

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1. Bimlendra Kumar Singh S/o Dr. Shambhoo Narayan Singh resident of Village+ P.O. Nishan Nagar Baddi, P.S.- Baddi, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Sasaram, Rohtas.
3. The Superintendent of Police, Sasaram, Rohtas.
4. Sub- Divisional Officer, Sasaram, Rohtas.
5. Officer-in- Charge, Baddi Thana, District- Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vishal Saurabh

For the Respondent/s : Mr. Manish Kumar- Gp4

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 16-02-2018 Heard Mr. Vishal Saurav, learned counsel for the petitioner and Mr. Manoj Kumar, AC to GP-4.

The present writ application has been filed for a direction to the respondent No. 2, District Magistrate, Sasaram to dispose of the application for Arms Licence pending before him in pursuance of the order dated 26-04-2016 passed by the Commissioner, Patna Division in Arms Appeal No. 70 of 2013.

The factual matrix of the case would unveil that father of the petitioner is a doctor and posted in Uttar Pradesh and now he is retired and has become old. He is holding an arms licence for Revolver/Pistol and after retirement, he has shifted to his native village at Sasaram, Rohtas. The petitioner applied for grant of



licence on 26-03-2012. The application of the petitioner was rejected by order dated 21-09-2012 in Arms Case No. 178 of 2012 by District Magistrate-cum-Licencing Authority, Rohtas, Sasaram on the ground that the petitioner failed to suggest that he is having any threat perception or whether any threat was given to him. Moreover, there is already an arm licence in his family. Hence in view of apprehension of breach of public peace, the said order was passed by the District Magistrate, Sasaram, which was challenged by the petitioner in Arms Appeal No. 70 of 2013 before the Commissioner, Patna Division. In the said appeal, the order of the District Magistrate was set aside by the Divisional Commissioner on 26-04-2016 and the matter was remanded back to the District Magistrate, Sasaram, Rohtas for reconsideration of the issue under the provisions of Sections-13 & 14 of the Arms Act and the directives of the High Court with regard to disposal of the application for grant of Arms Licence after getting a fresh police report. Thereafter, the matter has remained pending before the District Magistrate, Sasaram.

Learned AC to GP-4 submits that he is not having any no instruction whether the application of the petitioner has been disposed of by the District Magistrate, Sasaram or not.

It is true that there was no time limit prescribed for



disposal of application for grant or refusal of the licence under the Arms Act, 1959 or Arms Rule, 1962. However, a Division Bench of this court in case of ***Dwivedy Surendra (Advocate) Vs. The State of Bihar & Ors.*** 2007 (3) PLJR 76 directed that in the case, in which, police verification reports have been received by the Licencing Authority, it has to be disposed of by Licencing Authority within a period of two months and in case of non-receipt of police verification report, the application should be disposed of within a period of four months. Consequently, the State Government issued an advisory for Licencing Authority but this court is dismayed to find that the present matter has remained pending since 26-04-2016.

In the circumstances, this writ application is disposed of with direction to the District Magistrate, Sasaram, Rohtas (respondent No. 2) to dispose of the application of the petitioner within a period of eight weeks from the date of receipt/production of copy of the order in accordance with law keeping in mind the terms and conditions for consideration of such application as incorporated under Sections-13 & 14 of the Arms Act.

(Dinesh Kumar Singh, J)

A.K.V./-

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