

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16044 of 2017

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Sri Ravi Shankar Singh, Son of Sri Premchand Singh, Resident of Village-
Mahesua, P.S.- Bhabua District Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar through Home Secretary, Bihar, Patna.
2. The Commissioner, Patna Division.
3. The District Magistrate, Kaimur at Bhabua.
4. The Superintendent of Police Kaimur at Bhabua.
5. The District Arms Magistrate, Kaimur at Bhabua.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh, Advocate
For the Respondent/s : Mr. Md. N. H. Khan, SC-1
Mr. Md. Irshad, AC to SC-1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 17-09-2018

Heard Mr. Dharmendra Kumar Singh, learned
counsel for the petitioner and Mr. Md. Irshad, learned AC to SC-1.

The present writ application has been filed for
a direction to Respondent No. 3, the District Magistrate, Kaimur at
Bhabua to take a final decision on the application of the petitioner
submitted in 2013 for grant of licence of N.P. Bore Rifle.

It is submitted by learned counsel for the
petitioner that the petitioner being an agriculturist having landed
property and being a leading agriculturist of the area, he is in the
target of the criminals of the area. In the above background the
petitioner submitted an application for grant of arms licence for



N.P. Bore Rifle leading to registration of Arms Licence Case No. 74 of 2014-15. Subsequently, the police made recommendation in favour of the petitioner but till date no decision has been taken licensing authority on the application of the petitioner in spite of the representation by way of reminder being submitted by the petitioner. Hence, the present writ application.

Learned AC to SC-1 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 yet been taken till date, it will be taken by the licensing authority within a reasonable time frame.

Since the present writ application has been registered on 07.11.2017 but till date no counter affidavit has been filed, this Court is not inclined to adjourn the matter any further.

Under Section 13 of the Arms Act, 1959 or under Rule 51 of the Arms Rules, 1962 there was no fix time frame for taking decision on the application submitted for grant of arms licence. But Rule 14 of Arms Rules, 2016 (hereinafter referred to as 'Rules, 2016') mandates that on receipt of the application for grant of license or renewal, the licensing authority will call for a police report from the Officer-in-Charge of the nearest police station who shall submit his 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 applicant has fulfilled the eligibility conditions 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.

In the present case it appears that the application was submitted in 2013 and in 2013 itself the police made recommendation in favour of the petitioner but there is nothing on record to suggest that any order has been passed till date.

In view of the discussions made above, it is expected from Respondent No. 3, the District Magistrate, Kaimur at Bhabua 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, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

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