

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16673 of 2017

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Brajesh Kumar Singh, Son of Late Lallan Prasad Singh, Resident of
Village+P.O.-Moresarai, P.S.-Sheoagar, District-Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the principal Secretary, Department of Home,
Government of Bihar, Patna.
2. The District Magistrate, Rohtas, Sasaram.
3. The Superintendent of Police, Sasaram, District-Rohtas.
4. The Sub-Divisional Officer, Sasaram, District-Rohtas.
5. The Sub-Divisional Police Officer, Sasaram, District-Rohtas.
6. The Station House Officer, P.S. Sheosagar, District-Rohtas.
7. The District Arms Magistrate, Rohtas At Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Siddharth Harsh, Adv.

For the Respondent/s : Mr. Kumar Vikram, AC to GA-4

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-03-2018 Heard learned Counsels for the petitioner and the
respondent-State.

The present Writ application has been filed for a direction
to the respondent authorities, particularly, respondent no.2, the
District Magistrate, Rohtas, Sasaram to dispose of the
application for grant of licence of double barrel gun of the
petitioner, which is pending since 03.08.2013.

The factual matrix of the case which unveils that the
petitioner's father late Lalan Prasad Singh had a double barrel
gun licence bearing Arms Licence No. 77/81 of 1967. When the
father of the petitioner became old, then the petitioner submitted



an application before the licensing authority on 24.08.2009 for grant/transfer of the licence, but subsequently the petitioner was informed that his application got misplaced in the office of the licensing authority. In the meantime, the father of the petitioner died on 16.06.2012, thereafter, the petitioner deposited the double barrel gun bearing Gun No.A/1-8978 in Sahi Shastragar, a Arms and Ammunition dealer in Bhabua on 02.07.2012. In pursuance to the direction of the authorities, the petitioner made a fresh application, through speed post on 03.08.2013 and thereafter the application has remained pending.

It is true that earlier under the Arms Rules, 1962, the period for disposing off such application for grant of licence was not stipulated, but in the Arms Rules, 2016, the time limit for disposing an application for grant of arms licence has been specified, wherein it has been stipulated in Rule 13 that the licensing authority after considering the application and on being satisfied on the fulfillment of the eligibility conditions shall grant or refuse to grant a licence within a period of sixty days of the receipt of police report. In the case of *Dwivedy Surendra Advocate Vs. State of Bihar* reported in 2007(3) *PLJR* 76, a Division Bench of this Court, after having considered the pendency of applications for grant of arms



licence for years, directed for disposal of applications pending before the District Magistrates, within a period of sixty days from the date of receipt of police report by a reasoned order. The other applications, which were pending for police verification, were directed to be disposed within four months.

In view of the discussions made above, the respondent no.2, the District Magistrate, Rohtas, Sasaram is expected to dispose of the application of the petitioner within a period of eight weeks from the date of receipt/production of a copy of this order.

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

(Dinesh Kumar Singh, J)

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