

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2235 of 2018

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Satyavrat, S/o- Sri Ravindra Narayan Singh, Resident of- N/ 10, Leelavati Sadan, Sahyogpuri, Chitrugupta Nagar, Kankarbagh, P.S.- Patrakar Nagar, District- Patna.

.... Petitioner.

Versus

1. The State of Bihar through Home Secretary, Govt. of Bihar.
2. Divisional Commissioner, Patna Division, Patna.
3. District Magistrate, Patna.
4. Senior Superintendent of Police, Patna.
5. Additional District Magistrate (Arms), Patna.
6. District Arms Magistrate, Patna.
7. Sub- Divisional Officer, Danapur, Patna.
8. S.H.O. Patrakar Nagar Police Station, Patna.

.... Respondents.

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Appearance :

For the Petitioner : Mr. B. N. Pandey, Advocate
Mr. Hansa Jha, Advocate

For the Respondents : Mr. Partha Sarthi, GA-4
Mr. Kumar Bikram, AC to GA-4

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 21-08-2018

Heard Mr. B. N. Pandey, learned counsel for

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

The present writ application has been filed for a direction to Respondent No. 3, District Magistrate, Patna to take a final decision on the application of the petitioner submitted for grant of licence for N.P. Bore Revolver/Pistol.

The factual matrix of the case would unveil from the pleadings of the writ application that the petitioner, being a contractor is apprehending threat to his life and property and



therefore, he submitted an application along with required affidavit in the year 2014 for grant of licence for N.P. Bore Revolver/Pistol Respondent No. 3, before the District Magistrate, Patna, the licensing authority under the Arms Act, 1959. Since the application of the petitioner was pending and there was no response from the office of licensing authority, the petitioner sought information under Right to Information Act on 24.01.2018 from the office of Public Information Officer –cum- District Arms Magistrate, Patna with regard to the status of the application submitted by him for grant of arms licence, but even after that, no information was supplied. Subsequently, after coming into force of Arms Rules, 2016 the petitioner submitted an application in the new format along with required fee and relevant documents before the licensing authority, statement to that effect has been made in the supplementary affidavit, but till date no decision has been taken.

It is submitted by learned counsel for the petitioner that initially the application was submitted in 2014 and after coming into force of the Arms Rules, 2016, a fresh application in the new format, as prescribed in the Arms Rules, 2018, was submitted on 18.04.2018, but till date no decision has been taken, which is an absolute derogation to the provisions



under Rule 14 of Arms Rules, 2016 which mandates transmission of the police report by the Station House Officer of nearest Police Station within thirty days of the receipt of the application, as well as Rule 13 of said Rules which mandates taking of a decision by reasoned and speaking order in writing by the licensing authority either for granting or for refusing to grant the arms licence within sixty days of the receipt of the police report. Hence, action/inaction of the licensing authority on the application of the petitioner is in absolute derogation to the provisions of the Act and the Rules, 2016. Hence, the present writ application.

Mr. Kumar Bikram, learned AC to GA-4 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 decision has not yet been taken till date, it will be taken by the licensing authority within a reasonable time frame.

This Court is dismayed to find that the discretionary jurisdiction in Article 226 is being exercised for directing the statutory authorities or reminding them to discharge their statutory obligations under the Act and the Rules. This Court has on numerous occasions, reiterated this fact that though in Arms Rules, 1962, there was absence of any time frame for taking



a decision on the application submitted for grant of arms licence, but Rule 14 of the Arms Rules, 2016 stipulates that the S.H.O. of nearest police station has to submit report within 30 days of the receipt of the application while processing the application for grant of licence and Rule 13 of the said Rules stipulate that the licensing authority has to take a decision by speaking and reasoned order in writing within 60 days of the receipt of the police report on the application of the petitioner. From the materials on record, it appears that the police report was submitted as far back as in 2014 but there is nothing on record to suggest that any final decision has been taken by the licensing authority. In the circumstances, a time has come when the licensing authority awaken from their deep slumber and realize that their action or inaction is incomplete derogation to the statutory provision.

In the circumstances, it is high time that the slumber of the licensing authorities in the entire State of Bihar should break and they should abide by the time frame prescribed under Rules 13 and 14 of the Arms Rules, 2016 for disposal of the applications submitted for grant of Arms Licence.

In view of the discussions made above, it is expected from Respondent No. 3, District Magistrate, Patna to take a decision on the application of the petitioner within six



weeks of the receipt/production of a copy of this order.

Accordingly, the present writ application is
disposed of.

(Dinesh Kumar Singh, J)

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