

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8857 of 2018

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Ajay Krishna Mishra, Son of Rajendra Prasad Mishra @ Rajendra Prasad,
Resident of A/ 18, Anandpuri, Boaring Canal Road, P.S.- Shrikrishnapuri,
District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Home Secretary, Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Senior Superintendent of Police, Patna.
4. The District Arms Magistrate, Patna.
5. The Sub Divisional Officer, Sadar, Patna.
6. The Dy. Superintendent of Police, Secretariat, Patna.
7. The Circle Officer, Sadar, Patna.
8. The Inspector cum Officer In charge Shrikrishnapuri, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Singh Ms. Prakritita Sharma
For the Respondent/s	:	Mr. Partha Sarthi - GA4

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 26-06-2018

Heard learned counsels for the parties.

The present writ application has been filed for a direction to the Respondent authorities, particularly, Respondent No. 2, the District Magistrate, Patna to take a final decision on the application of the petitioner submitted for grant of licence for revolver.

It is submitted by learned counsel for the petitioner that the petitioner submitted an application for grant of licence for revolver on 8.8.2016 before the Licensing Authority Respondent No. 2, District Magistrate, Patna. Consequently, in pursuance to



the letter no. 3046 dated 5.10.2016 transmitted to the Respondent No. 3, Senior Superintendent of Police, Patna, police report as contained in Annexure 4, was submitted to the Licensing Authority on 27.3.2017 but even then no decision has been taken on the application of the petitioner. Hence, the present writ application.

Mr. Partha Sarthi, learned GA-4 submits that at present he is not having any instructions but if no decision has been taken on the application of the petitioner, the same will be disposed of within a time frame.

Having heard learned counsels for the parties, true it is that there was no time limit prescribed for disposing of the application submitted for grant of arms licence either under Section 13 of the Arms Act, 1959 or under Rule 51 of Arms Rules, 1962, however, this Court, in numerous judgments, directed the Licensing Authorities for disposing of the applications for grant of arms licence within a specific time frame and consequently, directions were also issued by the Government of Bihar but virtually there is no impact of such directions on the respondent authorities. Visualizing such state of affairs, in Arms Rules, 2016 (hereinafter referred to as Rules, 2016), time frame has been prescribed for disposal of such applications. Rule 14 of Rules, 2016 prescribes time frame of one month for transmitting the



police report on receipt of the application and thereafter under Rule 13 of Rules, 2016, the Licensing Authority has to take final decision within two months by a reasoned order either granting or refusing to grant licence but it appears that the statutory provision has still not made any impact on the working style of the Licensing Authority.

From the pleadings of the parties, it appears that the police report was received on 27.3.2017 but no final decision has yet been taken by the Licensing Authority Respondent No. 2, District Magistrate, Patna.

In view of the discussions made above, it is expected from Respondent No. 2, District Magistrate, Patna to take a final decision on the application of the petitioner for grant of licence for revolver within a period of four weeks from the date of receipt/production of a copy of this order.

Accordingly, this writ application stands disposed of.

(Dinesh Kumar Singh, J)

anil/-

AFR/NAFR	
CAV DATE	
Uploading Date	10.07.2018
Transmission Date	

