

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10063 of 2018

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Hiridya Narayan Singh, Son of Sri Shivdhari Chaudhary, resident of
Village Meuda P.S. Kochas, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department,
Government of Bihar, Patna.
2. The Commissioner, Patna Division, Patna.
3. District Magistrate, Rohtas, Sasaram.
4. District Arms Magistrate, Sasaram Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate

For the Respondent/s : Mr. P.K. Verma, AAG-3

Mr. Shubham Kumar Jha, AC to AAG-3

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

02/ 19-06-2018

Since this writ application has been registered

on 18.05.2018 but till date no counter affidavit has been filed, this

Court is not inclined to adjourn the matter any further.

Heard Mr. Ashok Kumar Mishra, learned
counsel for the petitioner and Mr. Shubham Kumar Jha, learned
AC to AAG-3.

The present Writ application has been filed
for a direction to Respondent no. 3, District Magistrate, Rohtas,
Sasaram to take a decision on the application of the petitioner filed
for grant of licence of DBBL gun which is pending after the
matter was remanded by the Divisional Commissioner vide order



dated 10.05.2013/12.08.2013.

It is submitted by learned counsel for the petitioner that the petitioner being an agriculturist made an application for grant of licence of DBBL gun in 2007 since father of the petitioner is a licensee for DBBL gun vide Arms Licence No. 375-196/70, but since he is aged about 83 years hence, the application was submitted for grant of licence for DBBL gun, but the District Magistrate, Rohtas vide order dated 20.05.2010 passed in Arms Case No. 78 of 2010, as contained in Annexure-2, rejected the application of the petitioner. Consequently the petitioner preferred Arms Appeal No. 130 of 2010 challenging the order of the Licensing Authority. The Divisional Commissioner vide order dated 10.05.2013/12.08.2013, as contained in Annexure-3, set aside the order of the District Magistrate and remitted back the matter. Consequently, the petitioner in view of the order of the Divisional Commissioner submitted an application on 10.02.2014 before the District Magistrate, Rohtas reiterating his claim, as contained in Annexure-4, but since then the matter is pending and no decision has been taken. Hence, the present writ application.

Learned counsel for the respondents submits that, at present, he is not having any instruction, but if the



application of the petitioner has not been disposed of it will be disposed of within a time frame.

This Court is dismayed to find that the Licensing Authority, District Magistrate, Rohtas has kept the application of the petitioner since last more than four years. Though, Rule 13 of Arms Rules, 2016 prescribes the period of two months for taking final decision on the application made for grant of licence, but it appears that the legislative mandate has no impact on the licensing authority.

In the circumstances, it is expected from Respondent no. 3, District Magistrate, Rohtas to take a final decision on the application of the petitioner by passing speaking order in view of the provisions under Rule 25 of Arms Rules, 2016 within a period of six weeks of the receipt/production of a copy of this order.

Accordingly, this Writ application is disposed of.

(Dinesh Kumar Singh, J)

DKS/-

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