

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14346 of 2018

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Sagar Kumar, Son of Sri Narendra Kumar, Resident of Sukhdeo Bhawan,
Opposite A/84 P.C. Colony, P.O.- Lohiya Nagar, Police Station-
Kankarbagh and District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Patna.
2. The District Magistrate, Patna.
3. Additional District Magistrate (Arms), Patna.
4. Senior Superintendent of Police, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Avinash Chandra, Advocate

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

Mr. Saroj Sharma, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 06-08-2018

Heard Mr. Manish Kumar No. 2, learned

counsel for the petitioner and Mr. Saroj Sharma, learned AC to
AAG-3.

The present writ application has been filed for
a direction to the respondent authorities, particularly, the District
Magistrate, Patna –cum- licensing authority under the Arms Act
for taking a decision on the application of the petitioner submitted
for grant of licence of N.P. Bore Pistol on 25.07.2017.

It is submitted by learned counsel for the
petitioner that the petitioner deals with Real Estate business and
has invested a huge amount in the business, due to which, he has
genuine threat to his life and property. Hence, the petitioner



submitted an application for grant of licence of N.P. Bore Pistol on 25.07.2017 before the licensing authority, Respondent No. 2, i.e., District Magistrate, Patna. However, when no decision was taken for about a year on the said application, then on 14.05.2018, the petitioner again submitted a representation, as contained in Annexure-2, before the District Magistrate, Patna, but till date, no decision has been taken on the application of the petitioner and the application has been kept pending.

Learned AC to AAG-3 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 if no decision has been taken till date, it will be taken by the licensing authority within a reasonable time frame.

From the materials available on record, it does not appear that any decision has been taken on the application for grant of arms licence of the petitioner. Though, initially in Arms Rules, 1962 no time limit was prescribed for exercise of such jurisdiction by the licensing authority for grant to refuse to grant arms licence, which resulted into non-disposal/pendency of the application for grant of arms licence for months or years together in spite of the directions issued by this Court in several judgments, but in Arms Rules, 2016 a specific time frame has been fixed for



submission of police report as well as to take a decision by the licensing authority by a speaking and reasoned order on receipt of the police report. Rule 14 of Arms Rules, 2016 stipulates that the Officer-in-Charge of the nearest police station will submit the report within thirty days of receipt of the application, whereas Rule 13 of Arms Rules, 2016 stipulates that the licensing authority will take a final decision on such application by a speaking and reasoned order either granting or refusing to grant the arms licence within sixty days of the receipt of the police report.

In the present case, the application was submitted on 25.07.2017, hence, prima facie the action or inaction of the licensing authority is violative of the statutory provisions. This Court is dismayed to find that the writ jurisdiction of the Court is exercised being only for the purpose of directing and reminding the licensing authority to perform his statutory duty under the Arms Act. This Court is also dismayed to find that the whole mess has been created by the licensing authorities because of the fact that the licensing authorities do not have any seriatim list of the applications submitted before them. Hence, it is expected from the licensing authorities, particularly, District Magistrate, Patna to rise to the occasion, at least, to get prepared seriatim list of the applications



and strictly take decision on the applications submitted as per their seriatim list within a prescribed time frame under Rules 13 and 14 of Arms Rules, 2016.

In view of the discussions made above, it is expected from Respondent No. 2, District Magistrate, Patna –cum-licensing authority to dispose of the application of the petitioner within a period of six weeks from the date of receipt/production of a copy of this order.

With the aforementioned observation and direction, this writ application is disposed of.

(Dinesh Kumar Singh, J)

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