

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15577 of 2017

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Mahendra Pratap Singh, Son of Shankar Singh, Resident of Village-Mokari,
P.S.Bhabua District Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar through Home Secretary, Bihar, Patna.
2. The Commissioner Patna Division.
3. The District Magistrate Kaimur at Bhabua
4. The Superintending of Police, Kaimur at Bhabua.
5. The District Arms Magistrate, Kaimur at Bhabua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh
For the Respondent/s : Mr. Suman Kumar Jha, AC to AAG 3

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 18-09-2018

Heard learned counsels for the parties.

Since the present writ application was registered on 31.10.2017 and no counter affidavit has been filed, this Court is not inclined to adjourn the matter any further.

The present writ application has been filed for a direction to the respondent authorities, particularly, Respondent No. 3, the District Magistrate, Kaimur at Bhabua to take a final decision on the application of the petitioner submitted for grant of licence for DBBL gun in 2013.

It is submitted by learned counsel for the petitioner that the petitioner being big agriculturist, is apprehending insecurity to his life and property, and accordingly, he submitted an application



for grant of licence for DBBL gun on 25.8.2013 before the Licensing Authority Respondent No. 3, District Magistrate, Kaimur at Bhabua, leading to registration of Arms Licence Case No.73 of 2014-15. Consequently, the police made recommendation in favour of the petitioner but till date decision has not been taken on the application of the petitioner. Hence, the present writ application.

Learned AC to AAG 3 submits that at present he is not having any instructions, but if any decision has not been taken on the application of the petitioner, the same will be disposed of within a reasonable time frame.

Having heard learned counsels for the parties, this Court is dismayed to find that the writ applications are being filed for reminding the statutory authority to exercise the statutory discretion or dispose of the application submitted for grant of licence within a prescribed time limit, as is prescribed in specific terms in the statute. In view of this Court if some statutory jurisdiction is vested in the licensing authority, the District Magistrate, he must exercise such jurisdiction within the time limit prescribed under the statute. True it is that earlier 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, noticing this fact that the licensing authorities are sitting tight over the applications for grant of arms licence for months and years together, this Court, in several judgments, directed the Licensing Authorities for disposing of the applications for grant of arms licence within a specific time frame and consequently, advisories 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), a 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 from the licensing authority and thereafter under Rule 13 of Rules, 2016, the Licensing Authority has to take final decision within sixty days of receipt of police report by a reasoned speaking order in writing either granting or refusing to grant licence but it appears, that the statutory provision is also not having significance for the licensing authorities, and they are rather pleased to act in an arbitrary manner, which is in violation to the provisions of the statute.

In the present case, it appears that the petitioner submitted application for grant of arms licence in 2013 and



thereafter the police report was submitted before the Licensing Authority but there is nothing on record to suggest that any final decision has been taken by the Respondent No. 3, District Magistrate, Kaimur at Bhabua.

In view of the discussions made above, it is expected from Respondent No. 3, District Magistrate, Kaimur at Bhabua to take a final decision on the application of the petitioner for grant of licence for DBBL gun 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	
Transmission Date	

