

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10543 of 2017

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Rakesh Dubey, Son of Late Ramayan Dubey, Resident of Village- Manipur,
Police Station- Dinara, District- Rohtas (Sasaram).

... .. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Home Deptt., Government of Bihar, Patna.
2. The Commissioner, Patna Division, Patna.
3. The District Magistrate, Rohtas at Sasaram.
4. The Superintendent of Police, Rohtas at Sasaram.
5. The Officer in Charge, Police Station- Dinara, Dist- Rohtas at Sasaram.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Surendra Kumar Choubey
For the Respondent/s	:	MD. Nashrul Hoda Khan, SC-1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 07-03-2018

Heard Mr. Surendra Kumar Choubey, learned counsel for the petitioner and Md. Harun Quraishi, learned AC to SC-1 for the respondent-State.

Though, the present writ application was registered on 25.07.2017, but no counter affidavit has been filed as yet, hence, this Court is not inclined to adjourn the matter any further.

The present writ application has been filed for a direction to respondent no.3, the District Magistrate, Rohtas for disposal of the application of the application submitted by the petitioner for grant of arms licence, which is pending before him, in pursuance to an order of remand dated 26.04.2016, passed by respondent no.2, the



Commissioner, Patna Division, Patna in Arms Appeal No. 285 of 2013, as contained in Annexure-4.

The petitioner made an application for grant of arms licence for D.B.B.L gun before the District Magistrate, Rohtas in the year 2009 on the ground that his father was holding D.B.B.L. gun licence no.2/94, bearing Gun No. 10250, so the petitioner wanted to get it transferred in his name. Respondent no.3, the District Magistrate, Rohtas, after getting police report, whereby the transfer of the arms licence was recommended, rejected the application of the petitioner vide order dated 24.11.2012, passed in Arms Case No. 144 of 2012, as contained in Annexure-3, contrary to the recommendation, basically on the ground that the petitioner failed to satisfy that he is having any threat perception to his life. The said order was challenged by the petitioner in Arms Appeal No. 285 of 2013, wherein the respondent no.2, the Divisional Commission, Patna Division, Patna, vide order dated 26.04.2016 while quoting the numerous judgments of this Court wherein rejection of the grant of arms licence on the ground of absence of threat perception was deprecated and giving preference for disposal of the grant or transfer of the arms licence, remanded the matter back to the Collector and since then the matter is pending.



It is submitted by learned counsel for the petitioner that thereafter vide letter dated 09.11.2016, as contained in Annexure-6, certain documents were called for by the petitioner, which the petitioner submitted on 24.12.2016, which gets reflected from the application of the petitioner submitted before the Arms Magistrate, Sasaram, as contained in Annexure-6. Thereafter, the petitioner made representation on 30.01.2017, before the District Magistrate, Rohtas, as contained in Annexure-7, but till date no action has been taken for disposal of the arms appeal filed by the petitioner.

After having heard the learned counsels for the parties, this Court is dismayed to find that a citizen of the State whose father was an arms licensee is unable to get the arms licence issued/transferred in his name despite the specific advisory issued by the Principal Secretary, Home, vide Letter No. 8212, dated 13.10.2014, directing the licensing authority to expedite the application for grant of arms licence or transfer to the heirs of the initial licensee, expeditiously, the application of the petitioner has not been disposed of.

In the circumstances, it is expected from the respondent no.3, the District Magistrate, Rohtas to dispose of the application of the petitioner in the light of the guidelines given by the appellate



authority, preferably within a period of eight weeks from the date of receipt/production of a copy of this order.

Accordingly, with the above observation and direction, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	/..../2018
Transmission Date	

