

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11175 of 2018

Pankaj Kumar, son of Ramanand Singh, Resident of Village –
Chamanbigha Korauna, P.S. - Korauna (O.P.), District - Jehanabad

... .. Petitioner/s

Versus

1. The State Of Bihar, through the Chief Secretary,
2. The District Magistrate, Jehanabad,
3. The Arms Magistrate, Jehanabad,
4. The Superintendent of Police, Jehanabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Satyendra Prasad Singh

For the Respondent/s : Mr. Md. Nadeem Seraj- Gp5

Mr. Shailendra Kumar, AC to GP 5

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, Jehanabad to take a final decision on the application of the petitioner submitted for grant of licence for N.P. bore rifle.

It is submitted by learned counsel for the petitioner that the petitioner being agriculturist submitted an application for grant of licence for N.P. bore rifle on 4.6.2016 before the Licensing Authority Respondent No. 2, District Magistrate, Jehanabad.



Consequently, the Superintendent of Police, Jehanabad, S.D.O., Jehanabad and Sub-Divisional Police Officer, Jehanabad made recommendation in favour of the petitioner but in spite of the fact that the petitioner is a resident of extremist affected area Jehanabad, no decision has been taken on the application of the petitioner. Hence, the present writ application.

Mr. Shailendra Kumar, AC to G.P. 5 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, this Court is of the view that if some statutory jurisdiction is vested in the Licensing Authority, the District Magistrate, he must exercise such jurisdiction within a reasonable time limit. 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, 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), some 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 sixty days 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.

In the present case, it appears that the petitioner submitted application for grant of arms licence in 2016 and thereafter in 2017 itself police report was submitted before the Licensing Authority. This Court is dismayed to find that there is nothing on record to suggest that any final decision has been taken by the Respondent No. 2, District Magistrate, Jehanabad.

In view of the discussions made above, it is expected from Respondent No. 2, District Magistrate, Jehanabad to take a final decision on the application of the petitioner for grant of licence for N.P. bore rifle within a period of six 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	

