

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15557 of 2018

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Hasan Imam, Son of Late Abdul Salam, Resident of Mohalla – Brahbatra @
Balbatra, P.S. Arrah Town, District – Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar through its Principal, Home Secretary, Secretariat, Patna.
2. The Collector –cum- District Magistrate, Bhojpur at Ara.
3. The Superintendent of Police, Bhojpur at Arrah.
4. The S.H.O., Arrah Town, Arrah.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Ataul Haque, Advocate

For the Respondent/s : Mr. Sheo Shankar Prasad, SC-8

: Mr. Harshvardhan Singh Sundaram, AC to SC-8

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 07-08-2018

Heard Mr. Ataul Haque, learned counsel for the petitioner and Mr. Harshvardhan Singh Sundaram, learned AC to SC-8.

The present writ application has been filed for a direction the respondent authorities, particularly, Respondent No. 2, the District Magistrate, Bhojpur at Ara –cum- licensing authority under the Arms Act to take a final decision on the application of the petitioner submitted for grant of licence for DBBL gun on 02.07.2010.

It is submitted by learned counsel for the petitioner that the father of the petitioner was a licensee having Licence No. 1156 for DBBL Gun No. 73663. The father of the



petitioner died on 04.02.2010, thereafter the petitioner deposited the arms before Arms dealer namely, M/s Arms House, Nawada on 03.03.2010. The petitioner made an application for grant of licence on 02.07.2010 before the licensing authority –cum-District Magistrate, Bhojpur at Ara and since then, despite several representations, decision has not yet been taken on the application of the petitioner. Hence, the present writ application.

Learned AC to SC-8 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.

Rule 14 of Arms Rules, 2016 (hereinafter referred to as 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 Rules, 2016 stipulates that the licensing authority will take a final decision by a speaking and reasoned order either granting or refusing to grant the arms licence within sixty days of the receipt of police report.

In the present case the application was made on 02.07.2010 and more than eight years have lapsed, while the licensing authority has no time to take a decision, as there is



nothing on record to suggest that any decision has been taken. The action or inaction of the licensing authority is in utter disregard to the statutory provision and such mess is seemingly prevailing, since there is no system for taking up the applications for grant of arms licence, as per their date of submission, as there is no seriatim list available to the licensing authority. It is high time that the licensing authority should get a seriatim list prepared of the applications submitted as per their dates of submission and take decision, strictly as per the seriatim of the applications and dispose of the same within the stipulated time frame under Rules 13 and 14 of Arms Rules, 2016.

In views of the discussions made above, it is expected from Respondent No. 2, the District Magistrate, Bhojpur at Ara –cum- licensing authority to take a final decision within a period of six weeks from the date of receipt/production of a copy of this order keeping in view of the provisions as laid down under Rules 13, 14 and 25 of Arms Rules, 2016.

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

(Dinesh Kumar Singh, J)

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