

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2937 of 2018

=====

Gulam Ali, Son of Late Md. Hadi Ansari, Resident of Village- Chandpur,
Dhumnagar, P.S.- Shikarpur, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Patna, Bihar.
2. The District Magistrate, West Champaran at Bettiah.
3. The Sub-Divisional Officer, Narkatiaganj, West Champaran.
4. The Superintendent of Police, West Champaran, Bettiah.
5. The Sub-Divisional Police Officer, Narkatiaganj, West Champaran.
6. The Officer-in-Charge, Shikarpur P.S., West Champaran.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

Mrs. Rashmi Jha

For the Respondent/s : Mr. Shailesh Kumar, AC to GP-5

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 28-08-2018

Heard learned counsels for the parties.

As prayed for, learned counsel for the petitioner is permitted to make necessary corrections in paragraph 4 of the writ application.

The present writ application has been filed for a direction to the Respondent authorities, particularly, Respondent No. 2, the District Magistrate, West Champaran at Bettiah to take a decision on the application of the petitioner submitted on 22.07.2014 for grant of licence for D.B.B.L. gun.

It is submitted by learned counsel for the petitioner that the petitioner is a businessman and he is apprehending threat to his



life and property. It is further submitted that the petitioner's brother was murdered, for which Bettiah Town P.S. Case No. 594 of 2015 was registered and now the petitioner is also receiving threats. The petitioner submitted an application for grant of licence for D.B.B.L. gun, but inspite of recommendation made by the police for grant of licence, the Licensing Authority has not taken any decision on the application of the petitioner. Hence the present writ application.

Learned AC to GP 5 submits that though a counter affidavit has been filed on behalf of Respondent No. 4, the Superintendent of Police, West Champaran, Bettiah, stating therein that the police report has already been submitted, but at present, he is not having any specific instruction as to whether any decision has been taken by the licensing authority on the application submitted by the petitioner or not. But he further submits that if decision has not yet been taken on the application of the petitioner till date, the same will be taken by Licensing Authority within a reasonable time frame.

The Arms Rules, 2016 (hereinafter referred to as 'the Rule, 2016') has come into force with effect from 15th July, 2016 wherein Rule 13 of the Rules, 2016 prescribes the time limit for grant of licence. According to this Rule the licensing authority



after considering the application submitted for grant of licence and on being satisfied that the applicant has fulfilled the eligibility condition, shall within sixty days of the receipt of the police report by a speaking and reasoned order in writing shall either grant or refuse to grant arms licence, while Rule 14 of the Rules, 2016 prescribes the time limit for submission of police report to licensing authority. This Rule in explicit terms stipulates that the licensing authority on receipt of the application for grant of licence under Section 13(1) of the Arms Act, 1959 or at the time of every renewal of the arms licence under Section 15 of the Act, shall call for a report from the officer in charge of the nearest police station who will transmit the report within thirty days of receipt of such application by him.

Since the counter affidavit filed on behalf of Respondent No. 4 suggests that the police report has already been submitted in 2017, it is only the Licensing Authority who has failed to comply with the statutory obligation, as incorporated in Rule 13 of the Rules. There is nothing on record to suggest that the application of the petitioner for grant of arms licence has been disposed of.

In the circumstances, the Respondent No. 2, the District Magistrate, West Champaran at Bettiah is expected to take a



decision on the application of the petitioner within a period of four weeks from the date of receipt/production of a copy of this order.

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

(Dinesh Kumar Singh, J)

anil/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

