

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19754 of 2018

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Ranjan Kumar, Son of Late Hari Shankar Prasad, Resident of Mohalla –
Barah Pathar Dehri, P.S. – Dehri, District – Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home (P)
Department, Government of Bihar, Patna.
2. The District Magistrate, Rohtas.
3. The Additional Arms District Magistrate, Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sudama Singh, Advocate

Mr. Arun Kumar Singh, Advocate

For the Respondent/s : Mr. Manish Kumar, GP-4

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

02/ 05-10-2018

Heard Mr. Sudama Singh, learned counsel for

the petitioner and learned AC to GP-4.

The present writ application has been filed
for a direction to Respondent No. 2, the District Magistrate,
Rohtas–cum- Licensing Authority under the Arms Act to take a
decision on the application of the petitioner submitted for grant of
licence for Pistol/Revolver on 06.12.2004.

It is submitted by learned counsel for the
petitioner that the petitioner is a businessman and apprehending
insecurity to his life and property submitted an application before
the District Magistrate, Rohtas for grant of licence for
Pistol/Revolver and the petitioner learnt that the police made



recommendation in favour of the petitioner, but in spite of the fact that the petitioner received threat to his life from the Maoists/extremists, decision has not been taken on the application of the petitioner. Hence, the present writ application.

Learned AC to GP-4 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 he further submits that if any decision has not been taken till date, it will be taken by the licensing authority within a reasonable time frame.

In view of this Court, the entire mess, in non-disposal of the applications submitted for grant of arms licence by the licensing authorities is created, since they have not prepared any seriatim list of the applications submitted before them. It is high time when the licensing authorities should realize that it is expected from them to abide by the provisions of the Act in its true spirit and intent and discharge their statutory obligations. The licensing authorities should make a seriatim list of all the applications submitted before them, develop a software for uploading on the website and also publish it on their official notice board so that all the pending applications can be disposed of within a period of sixty days of receipt of police report since the



time frame has been prescribed under Rule 13 of Arms Rules, 2016 for exercise of such discretion. Rule 14 of Rules, 2016 stipulates that on receipt of the application for grant of arms licence the licensing authority shall call for a report from Officer-in-Charge of the nearest police station, who shall submit the report within thirty days of receipt of the application by him, whereas Rule 13 of Rules, 2016 stipulates that the licensing authority after considering the application and on being satisfied that the applicant has fulfilled the eligibility condition shall take a final decision by a speaking and reasoned order in writing either granting or refusing to grant the arms licence within sixty days of the receipt of police report. There is nothing on record to suggest that any order has been passed by the licensing authority till date.

It is well settled that the statute prescribes a thing to be done in a particular manner then it has to be done in that particular manner. A useful reference in this regard may have to in the case of Selvi J. Jayalalithaa & Ors Vs. State of Karnataka & Ors, reported in 2014 (1) PLJR (SC) 531. The relevant portion of paragraph 29 reads as follows:-

“ We find force in the submissions advanced by the learned Attorney General that this Court



generally should not pass any order in exercise of its extraordinary power under Article 142 of such order violates any statutory provisions. We do not intend to say that it would be illegal to extend the term of the Special Judge, but that it is a matter within the jurisdiction of the State in accordance with the relevant law.

There is yet an uncontroverted legal principle that when the statute provides for a particular procedure, the authority has to follow the same and cannot be permitted to act in contravention of the same. In other words, where a statute requires to do a certain thing in a certain way, the thing must be done in that way and not contrary to it at all. Other methods or mode of performance are impliedly and necessarily forbidden. The aforesaid settled legal proposition is based on a legal maxim “*Expressio unius est exclusio alterius*”, meaning thereby that if a statute provides for a thing to be done in a particular way, then it has to be done in that manner and in no other manner and



following any other course is not permissible....”

In view of the discussions made above, it is expected from Respondent No. 2, the District Magistrate, Rohtas 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.

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

(Dinesh Kumar Singh, J)

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