

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20412 of 2016

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Md. Imteyaz Son of Md. Illeyas Resident of Village - Chand Chour
Mathurapur, P.S. Ujiarpur, District - Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Govt. of Bihar, Patna.
2. The District Magistrate, Samastipur.
3. The Sub Divisional Officer, Samastipur.
4. The Superintendent of Police, Samastipur.
5. The District Arms Magistrate, Samastipur District - Samastipur.
6. The Officer Incharge of Ujiarpur Police Station, District Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Anisur Rahman, Advocate
For the Respondent/s : Mr. Prabhat Kumar Verma, AAG-3
Mr. Sanjay Kumar Ghosarvey, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 30-10-2018

Heard Mr. Anisur Rahman, learned counsel for the petitioner and Mr. Sanjay Kumar Ghosarvey, learned AC to AAG-3.

Since the writ application was registered on 22.12.2016 but no counter affidavit has been filed till date, 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, Samastipur –cum- licensing authority under the Arms Act to take a decision on the application of the petitioner submitted on



11.07.2013 for grant of arms licence for Revolver.

It is submitted by learned counsel for the petitioner that the petitioner submitted the application for grant of firearm licence on 11.07.2013 but till date decision has not been taken. Hence, the present writ application.

Mr. Sanjay Kumar Ghosarvey, learned AC to AAG-3 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.

True it is that there was no time frame fixed for taking decision on the application submitted for grant of arms licence under Sections 13 and 14 of the Arms Act, 1959 (hereinafter referred to as the 'Act') or under Arms Rules, 1962. However, under Rules 13 and 14 of Arms Rules, 2016 (hereinafter referred to as 'Rules, 2016') prescribes a specific time frame for calling for a report from the Officer-in-Charge of the nearest police station on submission of police report and thereupon the licensing authority to take a final decision on the application submitted. Rule 14 of Arms Rules, 2016 stipulates that on receipt of the application for grant of arms licence under Section 13(1),



of the Act 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 Arms 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 till date any order has been passed.

In view of the discussions made above, it is expected from the Respondent No. 2, the District Magistrate, Samastipur to take a decision on the application of the petitioner submitted for grant of arms licence 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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