

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3486 of 2018

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Ravi Ranjan, S/o Prabhat Kumar Singh, R/o Das Lane, Railway Hunder Road, East Lohanipur, Kadamkuan, P.S. Kadamkuan, District- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar through Secretary Home Department, Government of Bihar, Old Secretariat, Patna.
2. The District Magistrate, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Nilanjan Chatterjee
For the Respondent/s	:	Mr. Kumar Vikram, AC to GA-4

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 04-09-2018

Heard learned counsels for the parties.

The present writ application has been filed for a direction to the Respondent No. 2, the District Magistrate, Patna for taking a decision on the application of the petitioner submitted on 06.01.2015 for grant of licence for revolver/pistol.

It is submitted by learned counsel for the petitioner that the petitioner is working in a private company. It is further submitted that the killing of grandfather of the petitioner led to registration of Rani Talab P.S. Case No. 77 of 1989 for the offences punishable under Section 302 read with Section 34 of the IPC. Subsequently, an attempt on the life of the petitioner's family was also made, leading to registration



of Kadamkuan P.S. Case No. 360 of 1992 for the offences punishable under Sections 307 and 326/34 of the IPC and Section 27 of the Arms Act. Apprehending threat to life and property, the petitioner submitted an application before the Respondent No. 2, the District Magistrate, Patna on 06.01.2015 for grant of licence for revolver/pistol. Subsequently on 23.07.2015 the Superintendent of Police, Patna recommended the application of the petitioner, for grant of arms licence. Thereafter the petitioner represented on 03.08.2017 and 15.11.2017, before the Respondent No. 2, the District Magistrate for taking a decision on the application of the petitioner, as contained in Annexure-3 series, but till date, decision has not been taken on the application of the petitioner. Hence the present writ application.

Learned counsel for AC to GA 4 submits that at present he is not having any instruction, whether any decision on the application of the petitioner has been taken or not, but he further submits that if decision has not been taken on the application of the petitioner, the same will be taken within a reasonable time frame.

Though there was no time frame fixed either under Section 13 of the Arms Act, 1959 or under Rule 51 of



the Arms Rules, 1962 for taking a decision on the application for the arms licence, Arms Rules, 2016 (hereinafter referred to as 'the Rules') came into force, but keeping in view the fact that the Licensing Authority kept pending the applications for grant of arms licence for months and years together. Under Rules 13 and 14 of the Rules, 2016, time frame has been fixed for disposal of said applications for grant of arms licence. Rule 14 of the Rules stipulates that the police report has to be transmitted by the SHO of the nearest police station within thirty days from the receipt of the application, whereas Rule 13 prescribes sixty days for the Licensing Authority to take a decision on the application of petitioner by speaking and reasoned order either granting arms licence or refusing to grant licence. No doubt, the petitioner's application has been pending since 2015 and there is nothing on record to suggest that any decision has been taken on the application of the petitioner, hence the action or inaction of the Respondent No. 2 is in complete derogation to the statutory provision.

The whole mess in disposing of the application for grant of licence has been created, since there is no seriatim list of applications in the office of the Licensing Authority. However, Rule 15 directs for maintenance of records in



electronic format and consolidation of the licences. In the present case this Court feels that the Licensing Authority should adhere to Rule 15 of the Rules. Sub-Rule (1),(2) and (3) of Rule 15 prescribes the mode of such maintenance. Sub Rule 1 of Rule 15 mandates that every Licensing Authority and the renewing authority specified in Schedule II, while granting a licence or renewing a licence, thereof, shall enter the data of the record locally in an electronic format specified by the Central Government, whereas Sub-Rule (2) of Rule 15 mandates the Licensing Authority and the renewing authority to enter such data in the NDAL system which shall generate a unique identification number (UIN). Sub-Rule (3) of Rule 15 suggests that the moment data is fed into the electronic format, a UIN number is generated with regard to such application and once this procedure is followed, it will create a seniority list of such applicants and in that case the Licensing Authority would not have to adopt a pick and choose method for disposing of such applications.

In view of the discussions made above, it is expected from Respondent No. 2, the District Magistrate, Patna to pass speaking and reasoned order in writing, taking a final decision on the application of the petitioner for grant of



arms licence within six weeks from the date of receipt/production of a copy of this order. Needless to say that this Court expects that Respondent No. 2, the District Magistrate, Patna will henceforth adhere to the provisions of Rule 15 of the Rules.

With the aforesaid observation/direction, this writ application is disposed of.

(Dinesh Kumar Singh, J)

anil/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

