

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9335 of 2018

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Ravindra Kumar Shukla, Son of Late Jitendra Prasad Shukla, Resident of
180, Patliputra Colony, P.S.- Patliputra, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar,
Patna.
2. Secretary, Department of Home, Government of Bihar, Patna.
3. Commissioner, Patna Division.
4. District Magistrate, Patna.
5. Senior Superintendent of Police, Patna.
6. Sub- Divisional Police Officer, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binodanand Mishra
For the Respondent/s : Mr. P.K. Verma- AAG3

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

02/ 11-05-2018

Heard Mr. Binodanand Mishra, learned

counsel for the petitioner and Mr. Suman Kumar Jha, learned AC
to AAG-3.

In view of the nature of order this Court
intends to pass this Court is not inclined to adjourn the matter any
further.

The present Writ application has been filed
for a direction to the respondent authorities, particularly the
District Magistrate, Patna, Licensing Authority under the Arms
Act for grant of Arms licence of Revolver/Pistol in favour of the
petitioner.



It is submitted by learned counsel for the petitioner that the petitioner, a practicing lawyer in the Patna High Court, applied for grant of licence of revolver/pistol in prescribed format on 31.03.2003, as contained in Annexure-1. The Deputy Secretary to the Govt., Department of Home, Bihar, Patna, vide letter dated 02.04.2003 forwarded the application of the petitioner to District Magistrate, Patna to take action under the Arms Act for grant of licence, as contained in Annexure-2. The District Arms Magistrate, Patna forwarded the application to the Officer-in-Charge, Patliputra Police Station for submission of the police report, whereupon the Officer-in-Charge submitted the report recommending for grant of licence to the petitioner, but thereafter no action has been taken and till date the application of the petitioner has not been disposed of. Hence, the present writ application.

Learned AC to AAG-3 submits that, at present, he is not having any instruction. However, if no decision has been taken on the application of the petitioner the same will be taken within a time frame.

Though, neither Section 13 of the Arms Act, 1959 (hereinafter referred as the Act) or Arms Rule, 1962 prescribe as the time frame for the licensing authority to decide the



question of grant of Arms licence to the respective applicants, but considering the callous manner in which the licensing authority used to keep such applications pending for months and years together, the Ministry of Home, Govt. of India as well as Principal Secretary, Home, Govt. of Bihar issued advisories for disposal of such applications, one such advisory being issued in 2014, wherein it is stipulated that as soon as the application is submitted it has to be transmitted to the concerned Superintendent of Police and the Superintendent of Police has to submit the report within 45 days of receipt of the application and 30 days thereafter the licensing authority has to take a final decision on the application hence altogether, within a maximum period of 75 days, the application for grant of licence has to be disposed of. But inspite such a specific advisory, the licensing authority used to keep the applications for grant of arms licence pending for indefinite period. Consequently, it appears that the legislature in its wisdom prescribed time limit for processing the applications submitted for grant of license Rule 14 of Arms Rules, 2016 mandates submission of the police report within 30 days from the date of receipt of application and on receipt of the police report the licensing authority under Rule 13 of the Rules, 2016 will have to take a final decision within 60 days thereafter. But, it appears that



even the new Rules are not having any impact on the licensing authority. There is nothing on record to suggest that any final decision has been taken by the licensing authority. The application is pending since 2003. One can imagine the fate of an ordinary citizen, when this is the fate of a lawyer of the High Court.

In the circumstances discussed above, it is expected from the Respondent no. 4, the District Magistrate, Patna, licensing authority under the Arms Act, to take a final decision on the application of the petitioner within a period of four weeks of receipt/production of a copy of this order.

Accordingly, this writ application is disposed of.

(Dinesh Kumar Singh, J)

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