

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10243 of 2018

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Shri Kant Singh, Son of Late Ram Sharan Singh, Resident of Village-
Katari, Police Station- Korma, District- Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Sheikhpura.
3. The District Arms Magistrate, Sheikhpura
4. The Superintendent of Police, Sheikhpura.
5. The Officer Incharge-cum-S.H.O., Korma Police Station, District- Sheikhpura.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate

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

Mr. Shubham Kumar Jha, AC to AAG3

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 21-06-2018

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

Since the present writ application has been registered on 21.05.2018 but no counter affidavit has been filed till date hence, 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,



Respondent no. 2, District Magistrate, Sheikhpura to take a final decision on the application of the petitioner submitted for grant of licence for pistol which is pending since 2016.

It is submitted by learned counsel for the petitioner that the petitioner submitted his application for grant of licence for pistol in 2016, but no such specific date for submission of application has been mentioned in the writ application since on 30.04.2015 an attempt on the life of the petitioner was made, who received gun shot injury, leading to registration of Sheikhpura P.S. Case No. 124 of 2015 for the offences punishable under Sections 341, 326, 307/34 of the Indian Penal Code and Section 27 of the Arms Act and hence, application was made for grant of licence, but the same was kept pending. The petitioner was directed by the licensing authority to appear before the District Arms Magistrate, but he never appeared since District Arms Magistrate is busy either in administrative work or law and order.

Learned counsel for the respondents submits that if decision has not been taken till date then it will be taken within a time frame as directed by this Court.

The only issue involved in the present writ application is as to whether the licensing authority can keep the application for grant of arms licence for any indefinite period.



It is true that in Arms Act, 1959 or under Rule 51 of Arms Rules, 1962, there was no prescribed time limit for taking a decision on application submitted for grant of arms licence. However, this Court on several occasions directed the licensing authority to dispose of such application for grant of licence within two months in which police report has been received and in four months wherein the police report is awaited. Similar advisory was issued by the Department of Home, Govt. of Bihar, but it appears that the same did not bear any impact on the licensing authority. Hence, it appears that in Rule 14 of Arms Rules, 2016, the period of thirty days has been prescribed for transmitting the police report to the licensing authority and under Rule 13 the licensing authority has been given liberty to take a decision either to grant or refuse to grant by speaking and reasoned order within two months of the receipt of the police report. Hence, it appears that the action or inaction of Respondent no. 2 is in derogation to the statutory mandate.

In the circumstances, it is expected from Respondent no. 2, District Magistrate, Sheikhpura to take a final decision on the application of the petitioner by speaking and reasoned order in view of the provisions of Rules, 13 and 14 of Arms Rules, 2016 within six weeks from the date of



receipt/production of a copy of this order.

Accordingly, this Writ application is disposed
of.

DKS/-

(Dinesh Kumar Singh, J)

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