

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11975 of 2018

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Dilip Kumar, S/o- Sri Vishwanath Prasad, Resident of Mohalla- Bakerganj,
Gola Raod, P.S. - Pirbahore, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through Home Secretary, Govt. of Bihar.
2. Divisional Commissioner, Patna Division, Patna.
3. District Magistrate, Patna.
4. District Magistrate, Supaul.
5. Additional District Magistrate (Arms), Patna.
6. District Arms Magistrate, Patna.
7. District Arms Magistrate, Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Hansa Jha, Adv.
For the Respondent/s : Mr. Anil Kumar, AC to SC- 8

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 17-07-2018 Learned counsel for the petitioner is permitted to
make necessary correction in the writ application, as prayed for.

Heard Mr. V. N. Pandey, learned counsel for the
petitioner and Mr. Anil Kumar learned AC to SC 8.

The present writ application has been filed for a
direction to Respondent No. 3, District Magistrate, Patna to take
a final decision on the application filed by the petitioner for
registration of the license of N.P. bore pistol.

It is submitted by learned counsel for the petitioner
that the petitioner was granted a licence for N.P. bore
Revolver/Pistol vide License No. 162 of 2004 by Respondent
No. 4, the District Magistrate, Supaul. Thereafter, the license



was renewed from time to time as there has been no allegation of misuse of the arms licence. The petitioner being the businessman shifted from Supaul to Patna and consequently, he made an application before the District Magistrate, Patna in 2015 for the registration of the licence. Whereupon, the office of the District Arms Magistrate, Patna, vide Memo No. 1663 dated 22.06.2015, asked for verification of the Arms licence of the petitioner, whereafter, the District Arms Magistrate, Supaul vide Letter No. 905 dated 28.08.2015, as contained in Annexure-2 sent a verification report on the said nine points with regard to the issuance of licence by the Licensing Authority, Supaul for the purpose of registering the petitioner as Arms licensee at Patna. The query of the District Arms Magistrate, Patna was replied and 'no objection' in favour of the petitioner was transmitted to the District Arms Magistrate, Patna. In the meanwhile, the petitioner submitted NDAL form by filling up the particulars to enter data in the system generated by the Central Government before the District Magistrate, Supaul and in response thereto UIN No. 051880021409582015 was generated and allotted by the District Arms Magistrate, Supaul.

After coming into force of the Arms Rules, 2016 (hereinafter referred to be as the Rules), the petitioner deposited



Rupees Five Hundred as requisite fee for new registration of the Arms licence in the office of the District Magistrate, Patna as per the terms of Rule 17 of the Rules. Thereafter, the petitioner submitted two representations on 24.05.2018 and 11.06.2018 before the District Magistrate, Patna for registering the Arms as it is required for the safety and security of the life and property of the petitioner, but till date, no final decision has been taken. Hence the present writ application.

It is submitted by learned AC to SC 8 that at present, he is not having any instruction, but if no decision has been taken on the representation of the petitioner till date, the same shall be taken by the District Magistrate, Patna within a time frame.

Rule 17 of the Rules stipulates provision for the registration of licence with an outside licensing authority and change of address with existing licensing authority. It clearly stipulates that if a person who holds a licence in Form III, changes his place of residence, permanently or temporarily for a period of more than six months and carries with him the Arms covered by the licence, to a place falling, other than within the jurisdiction of the existing licensing authority indicated in the licence, he shall, immediately before the expiry of a period of



six months, send an intimation about such change to the licensing authority of the place of his new residence and shall on demand, forthwith produce the licence or the Arms to the new licensing authority by applying in Form B-1 and indicating therein the particulars of his new residence. The licensing authority, under sub-Rule(2) of Rule 17 of the Rules, on receiving an application in Form B-1 under sub-Rule(1), shall within a period of fifteen days, register the licensee in the NDAL system whereby UIN of the licensee shall stand activated and transferred to its jurisdiction and deactivate from the records of the original licensing authority or the last renewing authority as the case may be and thereafter, the new licensing authority shall issue licence to the licensee Rule 17(1) and 17(2) of the Rules read as follows:

“17. Registration of licence with an outside licensing authority and change of address with existing licensing authority.— (1) If a person who holds a licence in Form III changes his place of residence, permanently, or temporarily for a period of more than six months, and carries with him the arms covered by the licence, to a place falling, other than within the jurisdiction of the existing licensing authority indicated in the licence, he shall, immediately before the expiry of a period of six months, send intimation about such change



to the licensing authority of the place of his new residence and shall on demand, forthwith produce the licence and the arm or arms to the new licensing authority by applying in Form B-1 and indicating there in the particulars of his new residence.

(2) The licensing authority of the new place of residence of the licensee on receiving an application in Form B-1 under sub-rule (1), shall within a period of fifteen days, register the licensee in the NDAL system whereby the UIN of the licensee shall stand activated and transferred to its jurisdiction and de-activated from the records of the original licensing authority or the last renewing authority as the case may be and thereupon a new licence book shall be issued to the licensee and such new authority shall be the licensing or the renewing authority in relation to the said licence.”

From the records, it appears that the licence of the petitioner has been renewed only up to 2012 whereas the petitioner made application for registration at Patna in 2015 however, it is submitted by the learned counsel for the petitioner that he submitted an application for renewal of licence at Supaul and deposited required fee for the period up to 2015 at Supaul.

In the circumstances, Respondent No. 3, District Magistrate, Patna is required to pass a reasoned order deciding



the issue in terms of Rule 17 of the Rules within a period of six weeks from the date of receipt/production of a copy of this order.

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

(Dinesh Kumar Singh, J)

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