

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13724 of 2018

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Randhir Kumar, Son of Indradeo Prasad, Resident of Village – Kautilya Nagar, P.S.-
Hilsa, District- Nalanda. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar,
Patna.
2. The Commissioner, Patna Division, Patna.
3. The District Magistrate, Nalanda at Biharsharif.
4. The District Arms Magistrate, Nalanda at Biharsharif.
5. The Superintendent of Police, Nalanda at Biharsharif.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Asif Kalim, Adv.
Mr. Majid Mahboob Khan, Adv.
For the Respondent/s : Mr. Partha Sarthi, GA-4

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 31-07-2018 Heard learned counsels for the parties.

The present writ application has been filed for a direction to Respondent No. 3, the District Magistrate, Nalanda for taking a decision on the application of the petitioner submitted for grant of arms licence for an N.P. bore pistol.

It is submitted by learned counsel for the petitioner that the petitioner being a registered contractor is having threat to his life and property and due to which the petitioner submitted an application on 17.01.2014 for grant of licence for N.P. bore rifle or for pistol, but in spite of recommendation of the police, the petitioner could not get the licence, leading to filing of writ application being CWJC No. 280 of 2014. The said writ application was disposed of by a Bench of this Court vide order dated 12.02.2015, as



contained in Annexure -1 directing the Respondent No. 3, the District Magistrate, Nalanda to consider the case of the petitioner and to dispose of his application for grant of arms licence in accordance with law within a period of three months, but no decision was taken by the Licensing Authority, Respondent No. 3, the District Magistrate, Nalanda, leading to filing of a contempt application being MJC No. 80 of 2015. During the pendency of the said contempt application, Respondent No. 3, the District Magistrate, Nalanda rejected the application for arms licence of the petitioner. Thereafter, the petitioner challenged the order of the Licensing Authority, Respondent No. 3, the District Magistrate, Nalanda in another writ application being CWJC No. 11201 of 2016 and a Bench of this Court vide order dated 01.08.2016, as contained in Annexure-2 remitted the matter back to the Licensing Authority, Respondent No. 3, the District Magistrate, Nalanda, but again the Licensing Authority kept the application of the petitioner pending, whereafter the petitioner again filed contempt application being MJC No. 3949 of 2016. The Licensing Authority, Respondent No. 3, the District Magistrate, Nalanda filed a show cause



annexing therewith the order dated 13.04.2017, whereby Respondent No. 3 again rejected the application of the petitioner. But the show cause was not accepted by this Court and when serious view of the matter was taken, then the Licensing Authority, Respondent No. 3, the District Magistrate, Nalanda issued licence for N.P. bore rifle. Hence, MJC No. 3949 of 2016 was disposed of vide order dated 21.11.2017, as contained in Annexure-3 with a liberty to the petitioner to challenge the order of the Licensing Authority, Respondent No. 3, the District Magistrate, Nalanda or to submit another application for grant of licence for a revolver or for any N.P. bore arms or for extending the area of validity of licence.

In pursuance to the aforementioned liberty granted by this Court, the petitioner applied for grant of licence for N.P. bore pistol through an application dated 01.12.2017, as contained in Annexure-4, but till date decision has not been taken on the said application. Hence, the present writ application.

Learned AC to GA 4 submits that at present, he is not having any instruction whether the application of the petitioner for grant of arms licence has been disposed of or



not, but if the application has not been disposed of till date, the same will be disposed of within a reasonable time frame.

This Court in numerous orders has tried to remind the Licensing Authorities about the provisions incorporated in the Arms Rules, 2016 (hereinafter referred to as 'the Rules'). Rule 14 of the Rules specifically prescribes that the police report has to be submitted by the SHO of the nearest police station within thirty days from the date of receipt of the application, whereas Rule 13 of the Rules mandates the Licensing Authority to take a decision on the application of the applicant for grant of licence within a period of sixty days of receipt of the police report either by rejecting or granting the licence of arms applied for.

In view of the submissions of learned counsel for the petitioner that the police report with regard to the petitioner has been received by the Licensing Authority, it is high time that the slumber of the Licensing Authority Respondent No. 3, the District Magistrate, Nalanda should break. Accordingly, Licensing Authority Respondent No. 3, the District Magistrate, Nalanda is expected to take a final decision on the application of the petitioner within a period of three weeks from the date of receipt/production of a copy



of this order.

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

(Dinesh Kumar Singh, J)

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