

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14871 of 2018

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Arun Prakash, S/o Late Sri Prakash Saraf, R/o Mohalla- Sahebganj Azad
Road, P.S.- Town, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate-cum-Collector, Saran,
Government of Bihar.
2. The Superintendent of Police, Chapra.
3. The Sub-Divisional Police Officer, Chapra Sadar, District- Saran at
Chapra.
4. The Sub-Divisional Officer, Chapra Sadar, District- Saran at Chapra.
5. The Circle Officer, Chapra Sardar, District- Saran at Chapra.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bishwajeet Singh, Advocate
For the Respondent/s : Mr. Parth Sarthi, GA-4

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

02/ 06-08-2018

Heard Mr. Bishwajeet Singh, learned counsel

for the petitioner and Mr. Parth Sarthi, learned GA-4.

The present writ application has been filed for
taking a decision on the application of the petitioner dated
30.06.2017, as contained in Annexure-1, submitted before the
licensing authority –cum- District Magistrate, Saran at Chapra for
grant of licence of pistol.

It is submitted by learned counsel for the
petitioner that the petitioner being a businessman runs a jewellery
shop and apprehending insecurity to his life and property, the
petitioner submitted an application for grant of licence of



pistol/revolver on 30.06.2017 before the District Magistrate, Saran at Chapra –cum- licensing authority, as contained in Annexure-1. It is learnt by the petitioner that the police report was submitted recommending the grant of licence to the petitioner and subsequently, vide Memo No. 1415 dated 30.10.2017, as contained in Annexure-3, the office of the licensing authority directed the petitioner to appear on 21.11.2017 for submission of the certain information. The petitioner appeared on the next date fixed and submitted the required information, but the licensing authority was not available on that date and the matter was adjourned. Thereafter, when the matter did not proceed any further the petitioner submitted representations on 09.06.2018 and 18.06.2018, as contained in Annexure-5 series, but till date no decision has been taken on the application of the petitioner.

Mr. Parth Sarthi, learned GA-4 submits that, at present, he is not having any instruction whether any decision has been taken on the application of the petitioner or not, but if no decision has been taken till date, it will be taken by the licensing authority within a reasonable time frame.

It seems that the authorities are still unmindful of the statutory mandate that Rule 14 of Arms Rules, 2016 stipulates that the Officer-in-Charge of the nearest police station



will submit the report within thirty days of receipt of the application, whereas Rule 13 of Arms Rules, 2016 stipulates that the licensing authority will take a final decision by a speaking and reasoned order either granting or refusing to grant the arms licence within sixty days of the receipt of police report.

In the circumstances, in view of the statutory provisions as discussed above, it is expected from Respondent No. 1, District Magistrate, Saran at Chapra –cum- licensing authority to take a final decision on the application of the petitioner within a period of eight weeks from the date of receipt/production of a copy of this order.

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

(Dinesh Kumar Singh, J)

DKS/-

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