

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15602 of 2018

- =====
1. Satyendra Gupta, Son of Late Subhash Chandra Gupta, Resident of village - Maadar Khas, Post Office - Vijaypur, Police Station - Vijaypur, District - Gopalganj.
 2. Devendra Gupta @ Devendra Kr. Gupta, Son of Late Subhash Chandra Gupta, Resident of village - Maadar Khas, Post Office - Vijaypur, Police Station - Vijaypur, District - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate cum Collector, Gopalganj.
3. The Superintendent of Police, Gopalganj.
4. The Officer-in-Charge, Vijaypur, District - Gopalganj.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ashish Kumar Lal, Advocate
For the Respondent/s : Mr. Md. N.H. Khan, SC-1
Mr. Md. Ishan, AC to SC-1

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 04-09-2018

Learned counsel for the petitioners is permitted to delete the name of petitioner no. 2 from the array of the petitioners.

Heard Mr. Ashish Kumar Lal, learned counsel for the petitioner and Mr. Ishan, learned AC to SC-1.

The present writ application has been filed for a direction to Respondent No. 2, the District Magistrate –cum-Collector, Gopalganj to take a final decision on the application of



the petitioner submitted for grant of arms licence for N.P. Bore Revolver/Pistol in February, 2013.

It is submitted by learned counsel for the petitioner that the petitioner being an agriculturist apprehends threat to his life and property and therefore, he submitted application before Respondent No. 2, the District Magistrate – cum- Collector, Gopalganj for grant of arms licence for N.P. Bore Revolver/Pistol in February, 2013. The petitioner is apprehending threat to his life and property since the father of the petitioner, late Subhash Chandra Gupta was killed at the hands of notorious criminal Vijay Singh leading to registration of Vijaypur P.S. Case No. 74 of 1994 under Sections 302/34, 201 and 379/34 of the Indian Penal Code and, in the said case the accused persons have been convicted. Subsequently, the brother of the petitioner, Nagendra Gupta was also killed leading to registration of Sahpur P.S. Case No. 1293 of 2008. It is further submitted that in pursuance to the application submitted by the petitioner for grant of arms licence, the police report has been submitted in 2014, wherein recommendation has been made in favour of the petitioner for grant of arms licence but till date, decision has not been taken on the application by the licensing authority. Hence, the present writ application.



Learned AC to SC-1 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 he further submits that if a decision has not been taken till date, it will be taken by the licensing authority within a reasonable time frame.

Having heard the learned counsels for the parties, this Court is of the view that after coming into force of Arms Rules, 2016 with effect from 15.07.2016, the licensing authority cannot keep the applications submitted for grant of arms licence for indefinite period. Rule 14 of Arms Rules, 2016 mandates that on receipt of an application for grant of license or every subsequent renewal, the licensing authority shall call for a report from the Station House Officer of nearest police station on such application and such officer shall send him report in Form 54 within a period of thirty days from the date of receipt of application by him, whereas Rule 13 mandates the licensing authority to consider the application and on being satisfied that applicant has fulfilled the eligibility conditions, shall grant or refuse to grant licence by speaking order in writing backed by reason to grant or refusal within a period of sixty days of the receipt of police report.

In the present case it appears that the police report was submitted in 2014 but there is nothing on record to



suggest that any decision has been taken on the application of the petitioner by the licensing authority.

In the circumstances, it is expected from Respondent No. 2, the District Magistrate, Gopalganj –cum-licensing authority under the Arms Act to take a final decision on the application of the petitioner by speaking and reasoned order within a period of six 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/-

U			
---	--	--	--

