

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16100 of 2018

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Bipin Kumar Singh, S/o Sri Fulena Singh, Resident of Village- Saryupar,
P.O. Bhorhopur Ekma, P.S. Daudpur, District- Saran.

.... 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, Saran at Chapra, District- Saran.
3. The Superintendent of Police, Saran at Chapra, District- Chapra.

.... Respondent/s

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Appearance :

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

Mr. Awadhesh Kumar, Advocate

For the Respondent/s : Mr. Md. Nadeem Seraj, GP-5

Mr. Shailesh Kumar, AC to GP-5

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 06-09-2018

Heard Mr. Sanjay Kumar, learned counsel for

the petitioner and Mr. Shailesh Kumar, learned AC to GP-5.

In view of nature of order this Court intends to pass, this Court is not inclined to adjourn the matter any further.

The present writ application has been filed for a direction to Respondent No. 2, the District Magistrate –cum- Collector, Saran at Chapra –cum- Licensing Authority under the Arms Act to take a final decision on the application of the petitioner submitted for grant of arms licence for N.P. Bore



Revolver/Pistol in 2013.

It is submitted by learned counsel for the petitioner that the petitioner is an agriculturist and politically and socially active and he is having apprehension of threat to his life and property and therefore, he submitted an application for grant of arms licence for N.P. Bore Revolver/Pistol in the year 2013. Subsequently, the police submitted its report recommending the case of the petitioner for grant of arms licence. Though, the Arms Licence Case No. 59 of 2015 was registered but till date no final decision has been taken by the licensing authority on the application of the petitioner. Hence, the action or inaction of the licensing authority is violative of the provisions under Rules 13 and 14 of the Arms Rules, 2016. Hence, the present writ application.

Learned AC to GP-5 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 time frame.

This Court is dismayed to find that discretionary jurisdiction under Article 226 of the Constitution of India is being exercised for directing the Statutory Authority/



Licensing Authority under the Arms Act to adhere to the statutory provisions under the Arms Act, 1959 and Arms Rules, 2016.

Rule 14 of Arms Rules, 2016 mandates the period of thirty days on receipt of the application for transmission of the police report by the Station House Officer of nearest police station to the licensing authority, whereas Rule 13 prescribes sixty days period for the licensing authority to pass a reasoned and speaking order in writing on receipt of the police report either for granting or refusing to grant licence to such applicant.

In this present case it appears that the application was submitted by the petitioner for grant of arms licence for N.P. Bore Revolver/Pistol on 05.03.2013 and thereafter the police report was submitted to the licensing authority in 2015 itself, Arms Licence Case No. 59 of 2015 was registered, but there is nothing on record to suggest that any decision has been taken by the licensing authority.

In view of the discussions made above, it is expected from Respondent No. 2, the District Magistrate –cum- Collector, Saran at Chapra to take a final decision on the application of the petitioner, if it has already not been taken, within a period of four 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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