

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18019 of 2018

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Shyam Kumar son of Sri Rampadarath Singh resident of Village- Baban Bigha, Road No. 04/B Khadi Bhandar, P.S.- Mithanpura, District- Muzaffarpur.

.... 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, Muzaffarpur, District- Muzaffarpur.
3. The Superintendent of Police, Muzaffarpur, District- Muzaffarpur.
4. The District Arms Magistrate, Muzaffarpur, District- Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.
Mr. Suraj Samdarshi, Adv.
For the Respondent/s : Mr. Partha Sarthi –GA-4
Mr. Kumar Vikram, AC to GA-4

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-09-2018 Heard Mr. Sanjay Kumar, learned counsel for the petitioner and Mr. Kumar Vikram, learned AC to GA-4.

In view of the nature of order this Court intends to pass, there is no need for adjourning the matter any further.

The present writ application has been filed for a direction to the respondent Authorities, particularly, Respondent No. 2, District Magistrate, Muzaffarpur to pass order on the application of the petitioner submitted for grant of licence for



D.B.B.L. Gun/Rifle which is pending since, 2008.

It is submitted by learned counsel for the petitioner that the petitioner being a businessman, runs a petroleum dealership. He applied for the grant of arms licence for D.B.B.L. Gun/ Rifle in 2008 by submitting an application before the District Magistrate, Muzaffarpur. Subsequently, the Station House Officer of nearest police station as well as Superintendent of Police, Muzaffarpur made recommendation in favour of the petitioner but till date decision has not been taken, despite the fact that the petitioner received life threat and extortion calls in 2016 leading to filing of an Informatory Petition before learned C.J.M., Muzaffarpur, as contained in Annexure-5.

It is further submitted that in spite of the fact that the time frame has been prescribed under Rule 13 and 14 of the Arms Rules, 2016, but no decision has been taken by the licensing authority on the application of the petitioner.

Mr. Kumar Vikram, learned AC to 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 he further submits that, if any, decision has not been taken till date, it will be taken by the licensing authority within a reasonable time frame.



Needless to say that the statutory authorities are expected to exercise their discretion, as per the provisions stipulated in the statute. Rule 14 of Arms Rules, 2016 stipulates that on receipt of the application for grant of arms licence the licensing authority shall call for a report from Officer-in-Charge of the nearest police station, who shall submit the report within thirty days of receipt of the application by him, whereas Rule 13 of Arms Rules, 2016 stipulates that the licensing authority after considering the application and on being satisfied that the applicant has fulfilled the eligibility condition shall take a final decision by a speaking and reasoned order in writing either granting or refusing to grant the arms licence within sixty days of the receipt of police report.

In the present case, the application was submitted some time in 2008. There is nothing on the record to suggest that any order has been passed till date, which suggests the callous and laid back manner in which the office of the licensing authority is functioning.

In the circumstances, it is expected from respondent no.2, District Magistrate, Muzaffarpur to take a final decision on the application of the petitioner by a reasoned and speaking order in writing within a period of five weeks from the date of



receipt/production of a copy of this order.

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

(Dinesh Kumar Singh, J)

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