

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17284 of 2018

Manoranjan Singh, S/o Sri Rajballabh Prasad Singh, Resident of Mohalla-
Pani Tanki Road, Khajekala, Patna City, P.S. Khajekala, District & Town-
Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Home Secretary, Govt. of Bihar.
2. The District Magistrate, Patna.
3. District Arms Magistrate, Patna.
4. Additional District Magistrate, (Arms), Patna.
5. Senior S.P., Patna.
6. Station House Officer, Khajekala Police Station, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. B.N. Pandey
	:	Mr. Deepak Kumar
For the Respondent/s	:	Mr. Makeswar Tiwari, AC to AAG 3

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 10-09-2018

Heard learned counsels for the parties.

The present writ application has been filed for direction to the respondent authorities, particularly to Respondent No. 2, the District Magistrate, Patna to take a final decision on the application of the petitioner for grant of N.P. Bore revolver/pistol, particularly in view of the order dated 26.04.2016 passed in Arms Appeal Case No. 189 of 2014 by the Divisional Commissioner, Patna, whereby the matter has been remanded back.

It is submitted by learned counsel for the petitioner that the petitioner submitted an application for grant of licence for N.P. Bore rifle/pistol on 25.03.2008 before the Respondent



No. 2, the District Magistrate, Patna which was rejected by the then District Magistrate, Patna vide order dated 11.10.2009, for want of police report, which was not submitted despite six months having passed, but a liberty was given to the petitioner to apply afresh. Accordingly, the petitioner made fresh application on 04.04.2013. Thereafter for taking a final decision on the application of the petitioner dated 04.04.2013, CWJC No 10954 of 2013 was filed before this Court. However, during the pendency of the said writ application the application of the petitioner dated 04.04.2013 was rejected by the Respondent No. 2, the District Magistrate, Patna vide order dated 23.01.2014, as contained in Annexure-5 on the ground that the petitioner is not having any threat perception. The said order was challenged in Arms Appeal Case No. 189 of 2014. A co-ordinate Bench of this Court directed the Divisional Commissioner, Patna to dispose of the appeal keeping in view the fact that one of the business partners of the petitioner had been killed. However, the Appellate Authority vide order dated 26.04.2016 remitted back the matter to the licensing authority considering various judgment of this Court to the effect that the application for grant of arms licence cannot be rejected on the ground that the applicant is not having any threat perception. However, the



appellate authority gave liberty to the licensing authority to take fresh decision in the matter. It is further submitted that the petitioner has submitted his application in new format on 17.01.2018 by transmitting the same through speed post, but the same has also not been considered.

Learned AC to AAG 3 submits at present he is not having any instruction, but he further submits that if the application of the petitioner has not been disposed of till date, final decision will be taken within a reasonable time frame.

Considering the rival submissions of the parties, it appears that the Licensing Authority is not bothered about the statutory mandate, particularly the time frame fixed under Rule 13 of Arms Rules, 2016 for passing final order on the application submitted for grant of arms licence. Any statutory authority, if they are not able to exercise the discretionary power vested in them by the statute, do not deserve to hold such post. In the present case the matter has been remanded back on 26.04.2016 by the Divisional Commissioner, Patna, i.e., almost two and a half years back, yet the order has not been passed by the Respondent No. 2, the District Magistrate, Patna.

Rule 14 of the Arms Rules, 2016, mandates the submission of the police report by the officer in charge of the



nearest police station to the licensing authority within a period of thirty days of the receipt of the application calling for such report by the licensing authority and Rule 13 of Arms Rules, 2016 mandates the licensing authority to pass a reasoned and speaking order in writing within sixty days of the receipt of the police report either granting or refusing to the grant of license for the arms applied for. There is no obvious justified reason for the licensing authority for sitting tight over the matter.

In the circumstances, Respondent No. 2, the District Magistrate, Patna is expected to take final decision on the application of the petitioner for grant of licence for pistol within a period of four weeks from the date of receipt/ production of a copy of this order keeping in view the threat perception of the petitioner in the light of observations made by a Bench of this Court in CWJC No. 10954 of 2013.

This writ application is disposed of with the aforesaid observation/direction.

(Dinesh Kumar Singh, J)

anil/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

