

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18209 of 2018

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Subodh Singh son of Late Kamlakant Singh resident of village - Piparpanti,
P.S. Pasraha, Distt - Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Khagaria.
3. The Sub-Divisional Officer, Khagaria.
4. The District Arms Magistrate, Khagaria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Nivas Prasad, Advocate
Mr. Mukesh Kumar, Advocate
For the Respondent/s : Mr. Manish Kumar, GP-4
Mr. Ravi Verma, AC to GP-4

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

02/ 27-09-2018

Heard Mr. Ram Nivas Prasad, learned

counsel for the petitioner and Mr. Ravi Verma, learned AC to GP-

4.

The present writ application has been filed
for a direction to respondent no. 2, the District Magistrate,
Khagaria to take a decision on the application of the petitioner
submitted for grant of licence for N.P. Bore Rifle.

It is submitted by learned counsel for the
petitioner that the petitioner is an elected Secretary of Gogri
Prakhand of the Fishery Cooperative Committed and wife of the
petitioner is the elected Mukhiya of Gram Panchayat Koyala in the



District of Khagaria. An attempt was made on the life of the petitioner, leading to registration of Pasraha P.S. Case No. 18 of 2012 being lodged by the petitioner, with accusation under Sections 147, 148, 149, 323, 324, 307, 386, 427 of the Indian Penal Code and Section 27 of the Arms Act against 12 accused persons. Besides this Pasraha P.S. Case No. 109 of 2016 was also lodged by the petitioner with accusation under Sections 147, 149, 427, 307, 385 of the Indian Penal Code and 27 of the Arms Act, which suggests imminent threat to life and property of the petitioner. Under such circumstances, the petitioner submitted an application for grant of N.P. Bore Rifile on 06.12.2016 before the District Magistrate, Khagaria. Subsequently, the petitioner was also called by the District Arms Magistrate, Khagaria vide letter No. 763 dated 31.07.2017 on 10.08.2017 at 3.30 P.M. to produce the identity card. The petitioner appeared before the District Arms Magistrate and produced all the relevant documents. Despite the above, action has not been taken, in spite of the representation being filed on 26.08.2017, as contained in Annexure-3. Hence, the present writ application.

Mr. Ravi Verma, learned AC to GP-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.

The submission of the petitioner is that he has submitted application on 06.12.2016, while, the Arms Rules, 2016 came into force with effect from 15th of July, 2016. Accordingly, the provisions of Arms Rules, 2016 would be applicable in the present case. 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.

It appears that almost one year and ten months have passed but there is nothing on record to suggest that any order has been passed by the District Magistrate, Khagaria. It is high time that the slumber of the licensing authority should



break and this Courts expects from respondent no. 2, District Magistrate, Khagaria, the Licensing Authority under the Arms Act to pass order on the application of the petitioner within four 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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