

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2420 of 2018

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Gunjan Jaiswal, Son of Late Ashok Jaiswal, Resident of Mohalla- Gola Road, P.O.- Danapur, Police Station- Danapur, District- Patna.

.... Petitioner.

Versus

1. The State of Bihar, through the District Magistrate, Patna.
2. The Sub- Divisional Magistrate, Danapur.
3. Senior Superintendent of Police, Patna, District- Patna.

.... Respondents.

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Appearance :

For the Petitioner : Mr. Ajay Prasad, Advocate
For the Respondents : Mr. Sheo Shankar Prasad, SC-8
Mr. Anil Kumar, AC to SC-8

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 21-08-2018

Heard Mr. Ajay Prasad, learned counsel for

the petitioner and Mr. Anil Kumar, learned AC to SC-8.

The present writ application has been filed for a direction to the respondent authorities, particularly, Respondent No. 1, District Magistrate, Patna to take a decision on the application of the petitioner submitted for grant of licence for N.P. Bore Pistol/Revolver.

It is submitted by learned counsel for the petitioner that the petitioner being a businessman and in the background of the fact that his father was killed on 17.08.2016 leading to registration of Danapur P.S. Case No. 345 of 2016, the petitioner submitted application along with required affidavit on 21.10.2016 before the licensing authority, District Magistrate,



Patna for grant of licence for N.P. Bore Pistol/Revolver. The petitioner came to know that in the month of February and April, 2017 the police report was transmitted to the licensing authority making recommendation in favour of the petitioner, but decision has not been taken on the application of the petitioner till date and hence, the present writ application.

Mr. Anil Kumar, learned AC to SC-8 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 adds to submit that if any decision has not been taken till date, it will be taken by the licensing authority within a reasonable time frame.

The main reason for delay in taking decision on the application submitted for grant of licence is that the licensing authorities take decisions on such application by pick and choose method. They do not have any seriatim list of the application submitted before them. It is high time now, the licensing authorities, particularly, District Magistrate, Patna to get all the applications numbered as per their date of submission to have a seniority list of the application and decide all the applications as per the seriatim within a time frame as prescribed under Rules 13 and 14 of the Arms Rules, 2016, only then this



Court can expect that the mess can be cleared.

It is further expected from the licensing authority to adhere to the provisions of Clause 1 to 3 of Rule 15 of Arms Rules, 2016 which prescribes the procedure for maintenance of records in electronic format. Clause 1 to 3 of Rule 15 reads as follows:-

“(1) Every licensing authority and the renewing authority specified in Schedule II, while granting a licence or renewing a licence, thereof, shall enter the date of the record locally in an electronic format specified by the Central Government.

(2) Every licensing authority and the renewing authority shall also enter such data in the NDAL system which shall generate a unique identification number (UIN) and with effect from the 1st day of April, 2017, any arms licence without UIN shall be considered invalid.

(3) The UIN so generated under sub-rule (2) shall be unique for a licensee.”

From bare perusal of above quoted Rule that



under Clause 1 to 3 of Rule 15 every licensing authority or renewing authority while granting or renewing the licence shall enter the date of records locally in electronic format specified by Central Government whereas under Clause 2 such authority as mentioned in Clause 1 shall also enter such data in National Data Arms Licence System (known as 'NDAL') which shall generate Unique Identification Number (known as 'UIN') with effect from 1st April 2017 and thereafter any arms licence shall be considered invalid. However, the cut off date for such generation of UIN has been extended. Hence, once the licensing authority will start adhering to abovementioned procedure of maintenance of records in electronic format (the rule of law and order will prevail) in the office of licensing authority.

It is true that Rule 51 of Arms Rules, 1962 though prescribes various types of formats for making of the application for grant of licence of various types of arms but it did not prescribe a time frame for taking a decision by the licensing authorities. Similarly, Section 13 of Arms Act, 1959 prescribes mechanism for grant of the licence but does not prescribe a time frame for such exercise. But visualizing the callous casual manner in which the applications for grant of arms licence was kept pending for months and years together Arms Rules, 2016,



incorporated specific Rules prescribing the time limit for grant of licence, particularly, Rules 13 and 14 prescribes a time frame of 30 days for submission of the police report by SHO of nearest police station of the receipt of the application and 60 days for taking a decision by licensing authority by reasoned speaking order in writing, either for grant or for refusal to grant the licence from the date of receipt of the police report.

From the pleadings of the writ application it appears that the police report was submitted in February and April, 2017 but after about one and half years of the submission of the police report there is nothing on record to suggest that any decision has been taken on the application of the petitioner.

In the circumstances, it is expected from Respondent No. 1, District Magistrate, Patna to take a final decision on the application of the petitioner for grant of licence for N.P. Bore Pistol/Revolver within a period of six weeks of the receipt/production of a copy of this order.

Accordingly, this writ application is disposed of.

(Dinesh Kumar Singh, J)

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