

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13363 of 2017

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Raja Ram Rai, Son of Shiv Shankar Rai, Resident of Village + P.O.-
Godhna, P.S.- Bachhwara, District- Begusarai, At present C/o Sri Alok
Kumar, Alok Petroleum Project, Kathalbadi, Police Station- Vishwavidyalay,
District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department,
Government of Bihar, Patna.
2. The Divisional Commissioner, Darbhanga.
3. The District Magistrate, Darbhanga.
4. The District Arms Magistrate, Darbhanga.
5. The Superintendent of Police, Darbhanga.
6. The Sub Divisional Officer, Sadar, District- Darbhanga.
7. The Sub Divisional Police Officer, Sadar, District- Darbhanga.
8. The Inspector of Police, Town Circle, District- Darbhanga.
9. The Station House Officer (SHO), Vishwavidyalay Police Station, District-
Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar, Adv.
For the Respondent/s	:	Mr. MANISH KUMAR-GP-4

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 12-02-2018 Heard learned Counsels for the petitioner and the
respondent-State.

Since the Writ application was registered on 11.09.2017,
but no counter affidavit has been filed till date, this Court is not
inclined to adjourn the matter any further.

The grievance of the petitioner is that the petitioner
submitted an application for grant of licence of N. P. Bore rifle
on 12.09.2014, as contained in Annexure-1, Thereafter, the
respondent no.5, the Superintendent of Police, Darbhanga,



forwarded the police report recommending the case of the petitioner for grant of arms licence, but since then the respondent no.3, the District Magistrate, Darbhanga, is sitting tight over the matter.

It is submitted by learned Counsel for the petitioner that the petitioner is a sports man. He is a state level shooter and member of Bihar State Rifle Association. The petitioner has participated in various shooting championship on behalf of Bihar State Rifle Association. The petitioner is having an Arms licence for NP Bore revolver from before, but for no reason the application for grant of licence has been kept pending.

It is submitted by learned Counsel appearing on behalf of the respondent-State that at present he is not having any instruction whether the application of the petitioner has been processed or not, but if it is pending, it will be disposed of within a time frame.

Having heard learned Counsels for the parties, it appears that application for grant of arms licence of the petitioner is pending before the respondent no.3, the District Magistrate, Darbhanga since last three and half years. It is true that the Arms Rules, 1962, prescribes no time limit for disposal of the application for arms licence, but this Court in the case of



Dwivedy Surendra Vs. the State of Bihar and Others (CWJC No. 13496 of 2004) reported in 2007 (3) PLJR 76, directed all the licensing authorities of the State of Bihar for disposal of the applications preferred for grant of arms licence within a period of two months where the police report has been received by the licensing authority and within a period of four months where the police report has not been received by the licensing authorities, by a speaking and reasoned order. Consequently, the Government of Bihar issued advisory to all the District Magistrates and Superintendents of Police and other officers of State of Bihar. Rule 13 of the Arms Rules, 1962, prescribes the time limit for grant or refusal to grant arms licence within 60 days of receipt of the police report, after considering the application and on being satisfied that the applicant has fulfilled the eligibility conditions, by recording reasoned and speaking order.

In the present case, no doubt, the police report was submitted on 24.12.2014, before the District Magistrate, Darbhanga. It is high time, that the slumber of the District Magistrate should break.

In view of the discussions made above, respondent no.3, the District Magistrate, Darbhanga, is directed to dispose of the



application of the petitioner, in accordance with the provisions of the Arms Act, 1959, preferably within a period of eight weeks, from the date of receipt/production of a copy of this order.

The Writ application is, accordingly, disposed of.

(Dinesh Kumar Singh, J)

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