

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12920 of 2017

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Pramod Singh, S/o Dr. Shiv Pujan Singh, R/o Village- Senuar, P.O.- Malwar,
P.S. Shiv Sagar, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Sasaram, Rohtas.
3. The Superintendent of Police, Sasaram, Rohtas.
4. Sub- Divisional Officer, Sasaram, Rohtas.
5. Officer-in- Charge, Shiv Sagar Thana, District- Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vishal Saurabh, Adv.
For the Respondent/s : Mr. Kumar Vikram, AC to GA-4

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

Date : 20-11-2018

The present writ application has been filed for a direction to the respondent authorities, particularly, the Respondent No.2, the District Magistrate, Sasaram, Rohtas, to take a decision on the application of the petitioner submitted for grant of licence for N. P. Bore DBBL Gun under the heirloom policy.

The factual matrix of the case is that the petitioner's father Sheo Pujan Singh is a licensee, having Arms License No.22 for N.P. Bore DBBL Gun No. 4592, since 1986. Since the father of the petitioner is quite old, hence, he desires to transfer the arms licence in favour of the petitioner. Consequently, the



petitioner submitted an application for grant of licence for N. P. Bore DBBL Gun under heirloom policy on 27.04.2017, but it appears that till date, the same is pending. Hence, the present writ application.

It is submitted by learned counsel for the respondent-State that, at present, he is not having any instruction, whether the application of the petitioner for grant of arms licence has been disposed of or not. However, he further submits that if the application of the petitioner is still pending, appropriate decision will be taken on the application of the petitioner within a reasonable time frame.

Considering the fact that the writ application was registered on 04.09.2017, but till date no counter affidavit has been filed and in view of the nature of order this Court intends to pass, this Court is not inclined to adjourn the matter any further.

This is an admitted position that the Arms Rules, 2016 (hereinafter referred to Rules, 2016) came into force with effect from 15th July, 2016 and the application for grant of arms licence in the present case was submitted on 27.04.2017. Hence, the case of the petitioner will be governed under the provisions Rules, 2016.



Rule 14 of the Rules, 2016 prescribes the time limit for police report to be submitted by the Officer-in-Charge of the nearest police station, wherein it is specifically laid down that on the receipt of application for grant of a licence under Sub-section (1) of Section 13 or on every subsequent renewal thereof under Section 15, the licensing authority shall call for a report from the officer-in-charge of the nearest police station, and such officer shall send his report in Form S-4, within a period of 30 days from the date of receipt of application by him, whereas, Rule 13 of Rules, 2016 prescribes the time limit for licensing authority to grant licence which stipulates that the licensing authority after considering the application and on being satisfied that the applicant has fulfilled the eligibility conditions, shall grant or refuse to grant licence by a reasoned speaking order in writing within a period of 60 days of the receipt of the police report.

Schedule V of the Rules, 2016 has been framed under Rule 16 which prescribes the time limit for the various services for licensing authority under Schedule II. It prescribes 16 various types of services or types of orders which can be passed by the licensing authority, whereas Serial No. 17 prescribes the time limit of 7 days for any other services which are not



stipulated within Serial Nos. 1 to 16 of Schedule V.

Serial No.1 stipulates police verification under Rule 14 which also stipulates 30 days time for submission of police report from the date of receipt of application. Serial No. 2 stipulates the service for grant or refusal of a licence by the licensing authority under Rule 13 within 60 days of the receipt of the police report.

This fact has not been disputed that the petitioner's application was submitted on 27.04.2017 and more than one and half years have passed, but there is nothing on record to suggest that the licensing authority has exercised the jurisdiction or the police has submitted its report.

Rule 25 of the Rules, 2016 casts an obligation on the licensing authority to give preference to the legal heirs of the licensee either on his death or the licensee attained the age of seventy years or being holder of fire arms licence for twenty five years, whichever is earlier, to any legal heir nominated by him.

In the present case, it appears that when the petitioner submitted application on 27.04.2017, the father of the petitioner was not only above 70 years of age, but was also holder of licence for more than 34 years.



This Court really dismayed to find the manner in which the licensing authority is giving effect to the provisions of the Act and the Rules.

In the circumstance, since there is nothing on record to suggest that any final decision has been taken by the licensing authority on the application of the petitioner, it is expected from the Respondent No.2, the District Magistrate-cum-Licensing Authority, Rohtas to take a decision on the application of the petitioner, particularly keeping in view the preference to be given to the heirs of the licensee, within a period of four weeks from the date of receipt/production of a copy of this order.

Accordingly, with the above observations and directions, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

