

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14093 of 2017

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Mustufa Hussain, Son of late Syed Manzer Hussain, Resident of Shakti Sadan
Apartment, Ashiana Digha Road, P.S.- Shastri Nagar, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary Government of Bihar, Patna.
2. Secretary, Department of Home, Government of Bihar, Patna.
3. Commissioner, Patna Division.
4. District Magistrate, Patna.
5. Senior Superintendent of Police, Patna.
6. Sub-Divisional Police Officer, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar
For the Respondent/s : Mr. Prashant Kumar Verma -AAG3

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 07-03-2018

Heard Mr. Alok Kumar, learned counsel for the petitioner
and Mr. Divya Verma, learned AC to AAG-3 for the respondent-
State.

Though, the present writ application was registered on
21.09.2017, but no counter affidavit has been filed as yet, hence,
this Court is not inclined to adjourn the matter any further for
filing of counter affidavit.

The present writ application has been filed for a direction to
the respondent authorities, particularly respondent no.4, the
District magistrate, Patna for disposal of the application of the
petitioner for grant of arms licence for revolver.



It is submitted by learned counsel for the petitioner that the petitioner submitted an application for grant of arms licence for revolver on 14.05.2015, before the licensing authority, as contained in Annexure-1. Subsequently, on the basis of report submitted by the Officer-in-Charge, Shastri Nagar Police Station, Deputy Superintendent of Police, Secretariat, Patna vide Memo No. 715 dated 22.07.2015, as contained in Annexure-2, recommended for grant of arms licence to the petitioner and consequently, the Senior Superintendent of Police, Patna, vide letter no. 1937, dated 02.08.2015, as contained in Annexure-3, also recommended for grant of arms licence to the petitioner and forwarded the recommendation to the District Magistrate, Patna, but till date no action has been taken for grant of arms licence to the petitioner by the licensing authority.

It is further submitted that the petitioner is the Director of Brand Protection Services Private Limited, which works for protection of the brand. Petitioner's service is being hired by several multinational companies in order to check sale and supplies of counterfeit drugs and cosmetics and the petitioner himself gets involved in the raids for such purpose. Hence, he is always apprehending threat to his life. The petitioner was earlier attacked as a result his office was damaged and his employees



were assaulted leading to registration of Budha Colony P.S. Case no. 204 of 2016, with accusation under Sections 341, 323, 379, 427, 504, 447 and 506/34 of the IPC, wherein, after investigation, final report (chargesheet) has been submitted.

There is nothing on record to suggest the cause of delay in disposal of the application of the petitioner submitted for grant of arms licence before the licensing authority.

It is true that earlier under the Arms Rules, 1962, the period for disposing off such application for grant of licence was not stipulated, but in the Arms Rules, 2016, the time limit for disposing an application for grant of arms licence has been specified, wherein it has been stipulated in Rule 13 that the licensing authority after considering the application and on being satisfied on the fulfillment of the eligibility conditions shall grant or refuse to grant a licence within a period of sixty days of the receipt of police report. In the case of Dwivedy Surendra Advocate Vs. State of Bihar reported in 2007(3) PLJR 76, a Division Bench of this Court, after having considered the pendency of applications for grant of arms licence for years, directed for disposal of applications pending before the District Magistrates, within two months. The other applications, which were pending for police verification, were directed to be disposed within four months.



Consequently, the Department of Home, Government of Bihar issued a directive/advisory to all the licensing authority or the other offices to follow the norms.

This Court is dismayed to find that the licensing authority/District Magistrate, Patna (respondent no.4) has kept pending the application of the petitioner submitted for grant of arms licence since last about three years. This is high time that he should dispose of the application of the petitioner within a period of six weeks from the date of receipt/production of a copy of this order.

Accordingly, with the above observation and direction, the present writ application is disposed of.

(Dinesh Kumar Singh, J)

Amrendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	13/03/2018
Transmission Date	

