

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1508 of 2018

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Manjeet Kumar, Son of Sri Laljee Swarnkar, resident of Ward No.8, Piprahi at
P.O.+P.S.- Raghapur, District - Supaul

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Department of Home, Government of Bihar.
2. The Secretary, Department of Home, Government of Bihar, Patna
3. The District Magistrate, Supaul
4. The Arms Magistrate, Supaul
5. The Superintendent of Police, Supaul

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. R. K. Shukla, Adv.
For the Respondent/s : Ms. Babita Kumari, AC to SC-1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-03-2018 Heard learned Counsel for the petitioner and the respondent-State.

The present Writ application has filed for a direction to the respondent authorities, particularly, respondent no.3, the District Magistrate, Supaul to dispose of the application dated 27th February, 2016 submitted for grant of licence for revolver before the respondent no.3.

It is submitted by learned Counsel for the petitioner that for safety of life and property, the petitioner submitted an application on 27.02.2016 before the respondent no.3, the District Magistrate,



Supaul, as contained in Annexure-1. Subsequently, the respondent no.5, the Superintendent of Police, Supaul recommended the case of the petitioner for grant of arms licence and transferred such recommendation to the District Magistrate, Supaul, but since then the application of the petitioner for grant of arms licence is pending. The petitioner obtained informant under the Right To Information Act and came to know that the case of similarly situated person Amit Kumar, whose verification was directed to be done along with the petitioner has been granted licence vide order dated 24.06.2016. Moreover, the petitioner was also threatened for demand by anti-social elements, concerning which, Raghapur P.S. Case No. 256 of 2017 was registered under Sections 384/504/506 of the I.P.C. and Section 66 of the I.T. Act. But, despite all the efforts made by the petitioner, he was not granted arms licence.

Though no counter affidavit has been filed on behalf of respondent no.3, but a counter affidavit has been filed on behalf of respondent no.5, the Superintendent of Police, Supaul, suggesting that the police report suggests that recommendation for grant of arms licence, in favour of the petitioner has been made. Since the petitioner was receiving constant extortion demand which led to registration of Raghapur P.S. Case No. 256 of 2017.

However, learned AC to SC-1 submits that at present she is not having any instruction whether the application of the petitioner has



been processed or not, but she further submits that if it has not been processed, the same will be processed within a stipulated time frame.

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 specifically stipulated in Rule 13 to the effect 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. However, 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 a period of sixty days from the date of receipt of police report by a reasoned order. The other applications, which were pending for police verification, were directed to be disposed within four months.

In view of the discussions made above, respondent no.3, the District Magistrate, Supaul, is expected to dispose of the application of the petitioner, in accordance with the provisions



of the Arms Act, 1959, preferably within a period of six 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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