

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13964 of 2017

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Anil Kumar Singh, S/o Sri Raj Kishore Singh, Resident of Village + P.O.-
Sonia Daudpur, P.S.- Daudpur, District- Saran (Chapra).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Home Secretary, Department of Home (Police), Government of Bihar, Patna.
3. Divisional Commissioner, Saran Division, Chapra.
4. District Magistrate, Saran (Chapra).
5. District Arms Magistrate, Saran Collectorate, Chapra.
6. Superintendent of Police, Saran (Chapra).
7. Officer-in-Charge, Daudpur Police Station, District- Saran (Chapra).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shanti Pratap, 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 12-02-2018 Heard learned Counsels for the petitioner and the
respondent-State.

Since the Writ application was registered on 20.09.2017,
but till date no counter affidavit has been filed, this Court is not
inclined to adjourn the matter any further.

The present Writ application has been filed for a direction
to the respondent authorities, particularly, respondent no.4, the
District Magistrate, Saran to dispose of the application for grant



of arms licence for pistol/revolver to the petitioner.

It is submitted by learned Counsel for the petitioner that the petitioner submitted his application for grant of arms licence on 22.12.2008, as contained in Annexure-1, before the respondent no. 4, the District Arms Magistrate, Saran. Subsequently, the District Arms Magistrate directed the S.H.O. of the concerned police station to submit a report after verification and enquiry vide order dated 30.12.2008, whereupon, the Officer-in-charge, Daudpur Police Station Saran submitted the report with recommendation to the Deputy Superintendent of Police, Saran. Thereafter, the Deputy Superintendent of Police, Saran forwarded the recommendation to the Superintendent of Police. Vide Letter No. 127, dated 24.01.2009. The S.D.O., Sadar, Chapra directed the Circle Officer, Manjhi, Saran to submit a report, whereupon, the Circle Officer, Manjhi has submitted the report to the SDO vide letter No.271, dated 20.06.2009. Thereafter, vide Memo No. 116, dated 01.02.2016, issued under the signature of Senior Deputy Collector, District Law Section, Saran, the petitioner was directed to appear on 11.02.2016 at 11.30 A.M. in the office of the Deputy Collector for furnishing the information with regard to the threat perception he is having, for grant of arms licence



and also whether he is holding any arms licence from before.

It is submitted by learned Counsel for the petitioner that Memo No. 116, dated 01.02.2016, issued under the signature of Senior Deputy Collector, District Law Section, Saran, was received by the petitioner on 17.02.2016, directing him to appear on 11.02.2016, hence, he could not appear, but he appeared subsequently and submitted his clarification. Statement to that effect has been made in paragraph 14 of the petition, but till date the petitioner's application for grant of arms licence has not been disposed of. Hence, the present Writ application.

It is submitted by learned Counsel appearing on behalf of the respondent-State that at present she is not having any instruction whether the application of the petitioner has been processed or not.

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.4, the District Magistrate, Saran since last several 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 Department of Home, 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.

In the present case, it appears that the police report was received by the licensing authority about eight years prior to filing of the present Writ application, but till date the District Magistrate has not disposed of the application of the petitioner. It is high time that the District Magistrate's slumber should break.

In view of the discussions made above, respondent no.4, the District Magistrate, Saran, 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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