

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9853 of 2018

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Shyam Bihari Ojha, Son of Late Chandrika Ojha, Resident of Village-
Mahila, Police Station- Itarhi (Buxar), District- Buxar.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Home Department,
Government of Bihar, Patna.
2. The District Magistrate, Buxar.
3. The Superintendent of Police, Buxar.
4. The Sub-Divisional Officer, Sadar Anchal, Buxar.
5. The Sub-Divisional Police Officer, Buxar.
6. The District Arms Officer, Buxar.
7. The Inspector of Police, Sadar Anchal, Buxar.
8. The S.H.O. Itarhi Police Station, District- Buxar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Verma, Advocate
Mr. Munna Prasad Singh. Advocate

For the Respondent/s : Mr. Sheo Shankar Prasad –SC8
Mr. Harshvardhan Singh Sundaram, AC to SC8

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 21-06-2018

Heard Mr. Umesh Kumar Verma, learned
counsel for the petitioner and Mr. Harshvardhan Singh Sundaram,
learned AC to SC-8.

Since the present writ application has been
registered on 16.05.2018 but no counter affidavit has been filed till
date hence, 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. 2, District Magistrate, Buxar to take a final decision on the application of the petitioner submitted for grant of licence of Semi Rifle.

It is submitted by learned counsel for the petitioner that the petitioner being a farmer for his security of life and property submitted an application for grant of Semi Rifle on 09.12.2014 since he is in the list of extremists. Thereafter, local police station forwarded the report and the same was duly forwarded by the Superintendent of Police, Buxar vide Letter No. 2694 dated 27.07.2015 recommending the case of the petitioner but no final decision has been taken till date, hence, the present Writ application.

Learned counsel for the respondents submits that if decision has not been taken till date then it will be taken within a time frame as directed by this Court.

The only issue to be answered is as to whether the licensing authority can keep the application for grant of arms licence pending, for an indefinite period. It is true that in Arms Act, 1959 or under Rule 51 of Arms Rules, 1962 no time limit was prescribed for taking a decision on application submitted for grant of arms licence. However, this Court on several occasions directed



the licensing authority to dispose of the such application for grant of arms licence within two months, in which police report has been received and in four months wherein the police report is awaited. Similar advisory was issued by the Department of Home, Govt. of Bihar, but it appears that it did not bear any impact on the licensing authority. Since the licensing authority did not follow the time frame for taking decision on such application for grant of licence, as a result, in Rule 14 of Arms Rules, 2016 the period of thirty days has been prescribed for transmitting the police report to the licensing authority and under Rule 13 the licensing authority has been given liberty to take a decision by speaking and reasoned order within two months of the receipt of the police report. It is high time that licensing authority should take a decision on the application of the petitioner as in the present case the application of the petitioner has been pending before the licensing authority since 09.12.2014. Hence, it appears that the action or inaction of Respondent no. 2 is in derogation to the statutory mandate.

In the circumstances, it is expected from Respondent no. 2, District Magistrate, Buxar to take a final decision on the application of the petitioner by speaking and reasoned order in view of the provisions of Rules, 13 and 14 of



Arms Rules, 2016 within six weeks from the date of receipt/production of a copy of this order.

Accordingly, this Writ application is disposed of.

(Dinesh Kumar Singh, J)

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