

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12080 of 2018

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Dr. Neelam Kumari, Wife of Dr. Sanjay Kumar Sinha, Resident of Surya Clinic, Pali Road, Dehri, P.S. Dalmianagar, District – Rohtas.

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shanti Pratap, Advocate

For the Respondent/s : Mr. Md. Nadeem Seraj - GP 5

Ms. Shalini Mishra, AC to GP-5

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 16-07-2018

Heard Shanti Pratap, learned counsel for the

petitioner and Ms. Shalini Mishra, learned AC to GP-5.

The present writ application has been filed for a direction to the respondent authority, particularly, Respondent No. 4, District Magistrate, Rohtas at Sasaram to take a decision on the application of the petitioner for grant of licence of pistol/revolver which is pending since 14.05.2013.

It is submitted by learned counsel for the petitioner that the petitioner is a lady doctor and threat of life was made to her leading to registration of Shivsagar P.S. Case No. 79 of 2016. Though, the petitioner submitted an application for grant of licence on 14.05.2013 but after attempt on her life, she again submitted a representation on 30.01.2018, as contained in Annexure-1 before the District Magistrate, Rohtas at Sasaram, but



till date the District Magistrate has not taken any decision on the application of the petitioner.

Learned AC to GP-5 submits that, at present, he is not having any instruction whether a decision on the application of the petitioner has been taken or nor, but if no decision has been taken on the application of the petitioner, it will be taken within a time frame.

From the conduct of the licensing authority it appears that they have no time and they do not care to go through the rules or provisions of the Arms Act. It is true that there was no time frame fixed under Sections 13 and 14 of the Arms Act, 1959 or under Rule 51 of the Arms Rules, 1962 to dispose of the application. But when the licensing authority used to keep the application pending for grant of licence for months or years together, consequently this Court made a direction and instructions were issued by the Department of Home but even then they were still in the habit of keeping the applications pending in such cases for a long time. Thereafter, Arms Rules, 2016 made a specific provision under Rule 14 which stipulates the submission of police report within thirty days of the receipt of the application and accordingly, the licensing authority has to take a decision either to grant or refuse to grant the arms licence by speaking and reasoned



order within sixty days of the receipt of police report, but it appears that the licensing authority are not even bothered with regard to the statutory provisions.

In view of the discussions made above, it is expected from Respondent No. 4, District Magistrate, Rohtas at Sasaram to get prepared a seniority list of all the pending applications for grant of licence and take a decision in accordance with the seniority within a period of two months in all the applications and with regard to the petitioner, such decision should be taken within a period of six weeks from the date of receipt/production of a copy of this order.

It is made clear that the seniority of the applications has not been jumped into by the licensing authority, if that being so, the District Magistrate will be answerable to this Court.

Accordingly, this writ application is disposed of.

(Dinesh Kumar Singh, J)

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