

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17771 of 2018

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Ahsan Ahemad, Son of Zamil Ahemad, Resident of Village-
Raghunathpur, Ward No. 6, Mathiabirit, Police Station- Majhauilya,
District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through the Home Secretary, Government of Bihar, Patna.
2. The Commissioner, Tirhut Range, Muzaffarpur.
3. The District Magistrate, Bettiah West Champaran.
4. The Superintendent of Police, West Champaran at Bettiah.
5. The District Arms Magistrate, West Champaran at Bettiah.
6. The Officer-in- Charge, Majhauilya, Police Station, West Champaran at Bettiah.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7, Advocate

For the Respondent/s : Mr. Md.N.H.Khan -SC1

Mr. Md. Harun Kuraisi, AC to SC-1

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 25-09-2018

Heard Mr. Sanjay Kumar No. 7, learned

counsel for the petitioner and Md. Harun Kuraisi, learned AC to SC-1.

The present writ application has been filed for a direction to respondent no. 3, the District Magistrate, Bettiah, West Champaran to pass an order on the application of the petitioner submitted for grant of licence for Rifle.

It is submitted by learned counsel for the petitioner that the petitioner is a business man, apprehending



insecurity to his life and property, submitted an application on 09.12.2017 before the respondent no. 3, District Magistrate, West Champaran, Bettiah –cum- Licensing Authority under the Arms Act for grant of licence for Rifle. Subsequently, it is learnt by the petitioner that the police made recommendation in his favour, but till date the decision has not been taken. Hence, the present writ application.

Mr. Harun Kuraisi, learned AC to SC-1 submits that, at present, he is not having any instruction whether any decision has been taken on the application of the petitioner or not, but he further submits that if any decision has not been taken till date, it will be taken by the licensing authority within a reasonable time frame.

True it is that under Sections 13 and 14 of the Arms Act, 1959, there absence of any stipulation of time frame for grant or refusal of licence or under Rules 51 of Arms Rules, 1962 which stipulates various provisions for submitting application for grant of arms licence. Consequently, the applications for grant of arms licence were kept pending by the licensing authorities for months and years together, leading to directions being passed by this Court through various judicial pronouncements and one of them is with regard to Dwivedy Surendra Vs. The State of Bihar



and another, reported in 2007(3) PLJR 76, wherein this Court directed all the licensing authority to dispose of all the pending applications for licence within a period of two months in which the police report has been received and in the case of non-receipt of the police report within a period of four months and consequently an advisory was issued by the State Government. But the same did not have any impact on the functioning of licensing authorities and realizing the same the Central Government while introducing the Arms Rules, 2016 incorporated time frame for submission of police report and for passing of reasoned order by the licensing authority on the application submitted for grant of licence. Such provision has been incorporated under Rules 13 and 14 of the Arms Rules, 2016. Rule 14 of Arms Rules, 2016 stipulates that on receipt of the application for grant of arms licence the licensing authority shall call for a report from Officer-in-Charge of the nearest police station, who shall submit the report within thirty days of receipt of the application by him, whereas Rule 13 of Arms Rules, 2016 stipulates that the licensing authority after considering the application and on being satisfied that the applicant has fulfilled the eligibility condition shall take a final decision by a speaking and reasoned order in writing either granting or refusing to grant



the arms licence within sixty days of the receipt of police report.

In the present case it appears that the application of the petitioner was submitted after coming into force of Arms Rules, 2016, i.e., on 09.12.2017 and it has almost ten months have passed since then, but there is nothing on record to suggest that the licensing authority has taken any decision on the application of the petitioner.

In view of the discussions made above, it is expected from respondent no. 3, the District Magistrate, Bettiah, West Champaran to take a decision on the application of the petitioner within four weeks from the date of receipt/production of a copy of this order, keeping in view the provisions incorporated under Rules 13 and 14 of the Arms Rules, 2016.

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

(Dinesh Kumar Singh, J)

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