

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18722 of 2018

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Dwipunj Deo Yadav, S/o Sri Bibhuti Bhushan Rai, Resident of Neora Ganj,
Post- Neora, P.S. Bihta (Neora O P), District Patna, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar, through the Commissioner, Patna.
2. The District Magistrate, Patna.
3. The District Arms Magistrate, Patna.
4. The Superintendent of Police, Patna.
5. The Officer-in- Charge, Bihta (Neora O P) Police Station, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Siddhartha Prasad, Advocate Mr. Kaustubh, Advocate Mr. Om Prakash, Advocate Mr. Sumit, Advocate
For the Respondent/s	:	Mr. Partha Sarthi, GA-4 Mr. Kumar Vikram, AC to GA-4

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 04-10-2018

Heard Mr. Siddhartha Prasad, learned

counsel for the petitioner and Mr. Kumar Vikram, learned AC to
GA-4.

The present writ application has been filed
for a direction to Respondent No. 2, the District Magistrate,
Patna—cum- Licensing Authority under the Arms Act to take a
decision on the application of the petitioner submitted for grant of
licence for N.P. Bore Rifle.

It is submitted by learned counsel for the
petitioner that the petitioner is an owner of a petroleum namely,



M/s Royal Rajdhani Fuels (BPCL Petrol Pump) at Neora, on Shivala – Bihta Road, Bihta, Patna, apprehending insecurity to his life and property, submitted an application on 03.11.2017 before the District Magistrate, Patna for grant of licence for N.P. Bore Rifle. It is learnt by the petitioner that the police as well as local administration made recommendation in favour of the petitioner but till date no decision has been taken on the application of the petitioner and hence, the present writ application.

Mr. Kumar Vikram, learned AC to GA-4 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.

Having heard the learned counsel for the parties, true it is, that no time frame was fixed under Sections 13 and 14 of the Arms Act, 1959 for exercise of jurisdiction for grant/refusal to grant arms licence. Similarly no time frame was prescribed in Rule 51 of the Arms Rules, 1962, but it appears that since the licensing authority used to keep the applications, submitted for grant of arms licence, pending for month and years together, this Court through various judicial pronouncements and



particularly in the case of Dwivedy Surendra Vs. The State of Bihar and another, reported in 2007(3) PLJR 76, 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. However, these judicial pronouncements apparently had a little impact on the licensing authority. Realizing the callous manner in which the statutory jurisdiction is being exercised by the licensing authority, it appears that while drafting Arms Rules, 2016 a time frame for all sorts of discretionary powers being exercised by the licensing authority has been fixed with regard to grant or refusal to grant licence. However, under Arms Rules, 2016 (hereinafter referred to as the 'Rules, 2016) a time frame has been fixed for exercise of jurisdiction by the licensing authority. 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 the 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. There is nothing on record to suggest that any order has been passed by the licensing authority as yet. It is high time that the slumber of the licensing authority, District Magistrate, Patna should break.

In view of the discussions made above, it is expected from Respondent No. 2, the District Magistrate, Patna to take a decision on the application of the petitioner within a period of four weeks from the date of receipt/production of a copy of this order.

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

(Dinesh Kumar Singh, J)

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