

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17581 of 2018

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Rajkeshwar Singh, Son of Late Ram Sanehi Singh, Resident of Village-
Chandrabhanpur, Post Office-Panapur, Police Station- Kargahar, District-
Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Home
(Police), Bihar, Patna.
2. The Commissioner, Patna Division, Patna.
3. The District Magistrate, Rohtas at Sasaram.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Adv.

For the Respondent/s : Mr. P.K. Verma – AAG-3

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 11-09-2018 Heard Mr. Rajani Kant Singh, learned counsel for the
petitioner and Dr. Mankeshwar Tiwary, learned AC to AAG-3.

The present writ application has been filed for a
direction to Respondent No.3, District Magistrate, Rohtas at
Sasaram to pass a final order on the application of the petitioner
submitted for grant for arms licence for D.B.B.L. Gun since the
matter is pending before the District Magistrate, after being
remanded back by the Commissioner, Patna Division, Patna vide
order dated 26.04.2016 passed in Arms Appeal No. 580 of 2012.

The factual matrix of the case is that the father of the
petitioner late Ram Sanehi Singh was holding a licence for
D.B.B.L. Gun, bearing Gun Licence No. 293 and D.B.B.L. Gun



No. 11289. When the father of the petitioner became very old, the petitioner submitted an application before the District Magistrate, Rohtas at Sasaram for grant of arms licence for D.B.B.L. Gun in the year 2012. Subsequently, the police made recommendation in favour of the petitioner, whereafter Arms Case No. 89 of 2012 was instituted but the District Magistrate vide order dated 21.09.2012 passed in Arms Case No. 89 of 2012 rejected the application of the petitioner on three grounds. Firstly, that the petitioner is not having any threat perception, secondly, that the petitioner has failed to produce cogent reason for grant of licence and thirdly, that the petitioner is not having threat to his life and property. The petitioner challenge the said order in Arms Appeal No. 80 of 2012 before the Divisional Commissioner, Patna Division, Patna. The Arms Appeal was disposed of vide order dated 26.04.2016, as contained in Annexure-3 remanding the matter back to the District Magistrate, Rohtas with liberty to obtain fresh police report since there was long gap between the application made and the appellate order being passed, but thereafter the District Magistrate, Rohtas has not passed any order. Hence, the present writ application.

It is further submitted by learned counsel for the petitioner that the father of the petitioner died some time in the year 2016 and thereafter, the petitioner deposited the arms before



arms dealer namely, Bharat Shastragar, Sasaram. The receipt of the same has been brought on record as Annexure-3.

Learned AC to AAG-3 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 yet been taken till date, it will be taken by the licensing authority within a reasonable time frame.

There is a specific provision under Rule 14 of Arms Rules, 2016 that the Officer Incharge of the nearest police station will submit the report within thirty days of receipt of the application asking for such report by licensing authority, whereas Rule 13 of Arms Rules, 2016 stipulates that the licensing authority will take a final decision by a speaking and reasoned order either granting or refusing to grant the arms licence within sixty days of the receipt of police report. Rule 25 of Arms Rules, 2016 clearly stipulates a preference has to be given to the heirs/nominee of the licensee, if the licensee has attained the age of 70 years or he is a holder of licence for 25 years. The petitioner fulfilled both the conditions for grant of arms licence. The licensing authority has to realize that such heir or nominee of the licensee has to bear the cost of keeping the arms before the arms dealer. It is high time that this Court will now consider to direct the licensing authority to



bear the cost of keeping the arms before the arms dealer, if the application for grant of arms licence has not been disposed of within a time frame as stipulated under Rules 13 and 14 of the Arms Rules, 2016.

In view of the discussions made above, it is expected from Respondent No.3, District Magistrate, Rohtas at Sasaram to take a final decision on the application of the petitioner by a reasoned and speaking order in writing keeping in view the parameters for grant of licence to legal heirs/nominee of the licensee under Rule 25 of the Arms Rules, 2016 within a period of six 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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