

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18584 of 2018

Prabhat Kumar S/o Late Sachidanand Singh R/o Mohalla Chandmari Road
(Adhacent to Shiv Mandir), P.s.-Kankarbagh Distt. Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary of Bihar Govt. (Home Department) Old Secretariat, Patna.
2. District Magistrate, Patna.
3. Arms Magistrate Collectorate, Patna.
4. Senior Superintendent of Police, Patna.
5. Additional District Magistrate Collectorate, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Dr. Ajay Shankar Rajoo
For the Respondent/s	:	Mr. Harun Kureshi, AC to SC 1

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL JUDGMENT

Date : 04-10-2018

Heard learned counsels for the parties.

The present writ application has been filed for a direction to the Respondent authorities, particularly, Respondent No. 2, the District Magistrate, Patna to take a decision on the application of the petitioner submitted on 4.9.2014 for grant of licence for pistol/revolver.

It is submitted by learned counsel for the petitioner that the petitioner is a contractor and he is apprehending threat to his life and property. The petitioner submitted an application for grant of licence for pistol/revolver, but inspite of recommendation made by the police for grant of licence, the Licensing Authority has not taken any decision on the



application of the petitioner. Hence the present writ application.

Learned AC to SC 1 he is not having any instruction as to whether any decision has been taken by the licensing authority on the application submitted by the petitioner or not. But he further submits that if decision has not yet been taken on the application of the petitioner till date, the same will be taken by Licensing Authority within a reasonable time frame.

Though the petitioner made application for grant of arms licence in 2014, much prior to the coming into force of Arms Rules, 2016 (hereinafter referred to as 'the Rule, 2016') with effect from 15th July, 2016, but in view of the enforcement of the Rule, 2016, Arms Rules, 1962 has been superseded except as respect to things done or omitted to be done. Though there was no time limit prescribed for taking decision on the application for grant of arms licence in Arms Rules, 1962 but Rule 13 of the Rules, 2016 prescribes the time limit for grant of licence. According to this Rule the licensing authority after considering the application submitted for grant of licence and on being satisfied that the applicant has fulfilled the eligibility condition, shall within sixty days of the receipt of the police report by a speaking and reasoned order in writing shall either grant or refuse to grant arms licence, while Rule 14 of the Rules, 2016



prescribes the time limit for submission of police report to licensing authority. This Rule in explicit terms stipulates that the licensing authority on receipt of the application for grant of licence under Section 13(1) of the Arms Act, 1959 or at the time of every renewal of the arms licence under Section 15 of the Act, shall call for a report from the officer in charge of the nearest police station who will transmit the report within thirty days of receipt of such application by him.

There is nothing on record to suggest that the application of the petitioner for grant of arms licence has been disposed of.

In the circumstances, the Respondent No. 2, the District Magistrate, Patna is expected 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.

Accordingly, the present writ application is disposed of with aforesaid observation and direction.

(Dinesh Kumar Singh, J)

anil/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

