

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19765 of 2018

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Rahul Kashyap, Son of Sri Amrendra Singh, Resident of Singh Bhawan,
Cheenakothi, Vidya Pati Marg, Police Station – Buddha Colony, District –
Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Patna.
2. The District Magistrate, Patna.
3. Additional District Magistrate (Arms), Patna.
4. Senior Superintendent of Police, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Avinash Chandra, Advocate

For the Respondent/s : Mr. Prabhat Kumar Verma, AAG-3

Mr. Sanjay Kumar Ghosarvey, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 05-10-2018

Heard Mr. Avinash Chandra, learned counsel

for the petitioner and Mr. Sanjay Kumar Ghosarvey, learned AC
to AAG-3.

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 Pistol on 03.02.2018.

It is submitted by learned counsel for the
petitioner that the petitioner runs printing business and organizer
of corporate events, feeling insecure in that background and his
grandfather was murdered on 10.05.1982 and grandmother was



killed on 13.05.1994 and father of the petitioner is a licensee bearing Licence No. 1988/1982, DBBL Gun No. 5912C/4. The petitioner submitted an application on 03.02.2018 before the District Magistrate, Patna for grant of licence for N.P. Bore Pistol. The petitioner could not receive any response from the office of the licensing authority then he submitted representation on 06.09.2018, as contained in Annexure-2, but till date decision has not been taken on the application of the petitioner and hence, the present writ application.

Mr. Sanjay Kumar Ghosarvey, 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 been taken till date, it will be taken by the licensing authority within a reasonable time frame.

The only issue involved in the present writ application is as to whether the licensing authority under the Arms Act can keep the application submitted for grant of licence pending for an indefinite period. The answer to such question is in negative. Arms Rules, 2016 came into force with effect from 15th of July, 2016. The application in the present case has been submitted on 03.02.2018. Rule 14 of Arms Rules, 2016 mandates



that on receipt of the application for grant of arms licence under Section 13(1) and every subsequent renewal under Section 15 of the Arms Act, 1959 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, but there is nothing on record to suggest that the licensing authority has called for a report from the Officer-in-Charge of the nearest police station or the report has been submitted by the police, but even if the report has not been submitted for that the blame has to be shifted on the licensing authority. Rule 13 of Arms Rules, 2016 prescribes time limit for grant of licence. The licensing authority after considering the application and on being satisfied that the applicant has fulfilled the eligibility condition either granting or refusing to grant the arms licence for permissible category of arms and ammunition specified in category III of Schedule I by reasoned speaking order in writing within sixty days of the receipt of police report.

In view of the above quoted provisions, it appears that the licensing authority, District Magistrate has failed to discharge his obligation as mandatory under the Rules.

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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