

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16941 of 2018

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Lakshman Kumar @ Lakshman Singh, Son of Sri Rohin Singh, Resident of
Village- Londa, P.S.- Adhaura, District- Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Kaimur at Bhabua,
2. The District Magistrate, Kaimur at Bhabua.
3. The Superintendent of Police, Kaimur at Bhabua.
4. The Sub Inspector of Police, Adhaura.
5. The S.H.O., Adhaura.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Pandey, Advocate

For the Respondent/s : Mr. Sheo Shankar Prasad, SC-8

Mr. Harshvardhan Singh Sundaram, AC to SC-8

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 06-09-2018

Heard Mr. Radha Mohan Pandey, learned

counsel for the petitioner and Mr. Harshvardhan Singh Sundaram,

learned AC to SC-8.

In view of nature of order this Court intends
to pass, this Court is not inclined to adjourn the matter any further.

The present writ application has been filed
basically for a direction to Respondent No. 2, the District
Magistrate, Kaimur at Bhabua –cum- Licensing Authority under
the Arms Act to take a final decision on the application of the
petitioner submitted for grant of arms licence for N.P. Bore Rifle
on 01.09.2009.



It is submitted by learned counsel for the petitioner that the petitioner is an agriculturist and a resident of village Londa under Adhaura Police Station, which is a naxal affected area and hence, he is apprehending threat to his life and property. As such, he submitted an application on 01.09.2009 before Respondent No. 2, the District Magistrate, Kaimur at Bhabua for grant of arms licence for N.P. Bore Rifle. Thereafter, during the period of 2009 to 2015 the police officials submitted several reports recommending the case of petitioner for the grant arms licence. Though, a notice was issued under the signature of Respondent No. 02, the District Magistrate dated 26.12.2015 in Arms Licence Case No. 71 of 2015-16, as contained in Annexure-10, wherein the petitioner was directed to appear in the said case, but no specific date was directed to given in the said notice to appear. Thereafter, another notice was issued in Case No. 71-15-16 under the signature of Senior Deputy Collector Incharge, Legal Cell, Kaimur at Bhabua directing the petitioner to appear on 08.01.2016 at 3.00 P.M. in the office of District Magistrate but in spite of appearance of the petitioner the hearing did not take place and any decision on the application of the petitioner has not been taken as yet. Hence, the present writ application.

Learned AC to SC-8 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 decision has not yet been taken till date, it will be taken by the licensing authority within a reasonable time frame.

It is true that no time frame was prescribed under Section 13 of the Arms Act, 1959 or under Rule 51 of Arms Rules, 1962. But appreciating the pressing circumstances in which an applicant files an application for grant of arms licence, as also, the needless pendency of applications in absence of any time frame for disposal of such applications, Arms Rules, 2016 has been enforced, wherein a time frame has been prescribed for submission of the police report as well as for exercising discretionary statutory power for grant or refusal of arms licence by the licensing authority. Rule 14 of Arms Rules, 2016 mandates the period of thirty days on receipt of the application for transmission of the police report by the Station House Officer of nearest police station to the licensing authority, whereas Rule 13 prescribes sixty days period for the licensing authority to pass reasoned speaking order in writing on receipt of the police report either granting or refusing to grant licence to such applicant.

There is nothing on record to suggest that any such order has been passed on the application of the petitioner.



Hence, the action or inaction of the licensing authority is in complete derogation to the statutory provisions. Rule 12 of Arms Rules, 2016 prescribes the obligation of the licensing authority in certain cases and one of such obligations is to consider the application of such applicants who are residents of a naxal or extremists affected area. Such obligation with necessary corollary mandates the licensing authority to dispose of such application within a time frame fixed under Rule 13 of the Arms Rules, 2016.

In view of the discussions made above, it is expected from Respondent No. 2, the District Magistrate, Kaimur at Bhabua to take a final decision on the application of the petitioner, if it has already not been taken, within a period of four weeks from the date of receipt/production of a copy of this order.

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

(Dinesh Kumar Singh, J)

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