

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3606 of 2017

Arising out of

Civil Writ Jurisdiction Case No.10893 of 2012

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Wasim Raza Son of Late Maksood Ahmad Resident of Mohalla - Karim Chak, P.O. and P.S. Chapra Town, District - Chapra (Saran).

... .. Petitioner/s

Versus

1. The State of Bihar through Mr. Amir Subhani, Home Secretary, Secretariat, Patna.
2. Mr. Harihar Prasad, the District Magistrate, Saran at Chapra.
3. Mr. Md. Umair, Arms Magistrate, Chapra, Saran.
4. Mr. Hari Kishore Rai, Superintendent of Police, Saran at Chapra.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Dr. Alok Kumar Sinha, Advocate
For the State : Dr. Anand Kumar, AC to AAG3

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 17-10-2019

Heard learned counsel for the petitioner and learned AC to AAG 3 for the State.

2. The petitioner has moved the Court alleging non compliance of order dated 11.04.2013 passed in CWJC No. 10893 of 2012. The order of the writ Court required the District Magistrate, Saran at Chapra to dispose off the application filed by the petitioner for grant of arms licence.

3. Show cause has been filed on behalf of the authorities bringing on record copy of the order dated 09.07.2019, by which the same has been rejected.



4. Learned counsel for the petitioner submitted that the order was passed on 11.04.2013 with the observation that the exercise be completed preferably within a period of three months from the date of production of the certified copy of the order which was so done by the petitioner on 20.05.2013. It was submitted that the application has been disposed off after more than six years.

5. The Court finds substance in the contention of learned counsel for the petitioner. An observation to dispose off the application preferably within three months would not give the authorities liberty to take six years for complying with the order and that too, when the Court in its order dated 01.04.2019 had directed for filing show cause showing full compliance of the order of the writ Court.

6. However, since the Court in its present jurisdiction is considering the compliance of the order dated 11.04.2013 and the same having done, it is not inclined to proceed against the authority for late compliance though the same is worthy of taking judicial notice.

7. Accordingly, the application stands disposed off with liberty to the petitioner to file a fresh application before the Licensing Authority for grant of arms licence which shall be



considered on its own merits, in accordance with law. The authorities shall be obliged to consider all materials which may be brought before him by the petitioner, including the law as settled by the Courts. The authorities shall also not be prejudiced by the order dated 09.07.2019, by which the application filed by the petitioner on 18.07.2009 has been rejected. It goes without saying that if such an application is filed by the petitioner, the Licensing Authority shall ensure that a decision is taken, in accordance with law, within the statutory period so as not to frustrate such application due to passage of time, including Section 13 of the Arms Act, 2016. The Court would further observe that all formalities, including submission of report by the police be preferably completed within six months.

(Ahsanuddin Amanullah, J.)

P. Kumar

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