

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8780 of 2012

RAJ MOHAN GIRI S/O Late Amla Giri R/O Village- Barwal Narwal, P.S.-
Bagaha, District- West Champaran.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR and ORS
2. The District Magistrate, West Champaran At Bettiah
3. The Sub-Divisional Officer, Bagaha, West Champaran
4. The Superintendent Of Police, Bagaha, West Champaran
5. The Sub-Divisional Police Officer, Bagaha, West Champaran
6. The Inspector Of Police, Bagaha, West Champaran
7. The Officer-In-Charge, Bagaha P.S., West Champaran

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Respondent/s : Mr.V.M.K Sinha Aag13

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 09-04-2019 Heard learned counsel for the petitioner and counsel
appearing on behalf of the respondents.

Petitioner is aggrieved by inaction on the part of the
respondents in the matter of issuing gun license.

Learned counsel for the petitioner submits that
initially the petitioner has filed application for grant of gun
license in the year 2000. Subsequently, filed another
applications in the year 2005 as well as 2009, but respondents
are sitting tight in the matter. They have not decided the
application for grant of gun license of the petitioner.

Learned counsel for the petitioner submits that in



similar matter the co-ordinate Bench of this Court has laid down the principles to be followed the matter of grant of gun license. Relevant part of the order dated 12.02.2018 passed in CWJC No. 1697 of 2018 is quoted below.

“Considering the rival submission of the parties, it is true that there was no time limit fixed for disposal of the application for grant of licence under Arms Rule 1962, but it appears that in spite of the direction of this Court, as quoted above and consequently, advisory/directive issued by the Department of Home to all the District Magistrates, who still kept pending the applications for grant of Arms licence. Moreover, Rule 13 of Arms Rule 13 prescribes the time limit for grant of licence, which reads as follows:-

“The time limit for grant of licence:- The licensing authority, after consideration the application and on being satisfied that the applicant has fulfilled the eligibility conditions, shall grant or refuse to grant a license for permissible category or



arms or ammunition satisfied in category III of Schedule I, to any person by recording in writing the reasons for such grant or refusal by passing a speaking order, within a period of sixty days of the receipt of the police report.

Provided that the licensing authority was specify, the type of arms and ammunition to be procured by the applicant after assessing the reason and the need for possession of the type of arms and ammunition applied for by the applicant, considering the lethality or firepower.”

The above Rule suggests that the licensing authority will either grant or refuse to grant license by a speaking and reasoned order within a period of sixty days of the receipt of the police report. The proviso of Section 13 (2-A) of the Arms Rules, 2016 further prescribes that if the Officer-in-charge of the nearest police station does not send report on the application within the



prescribe period, the licensing authority may, if it deems fit, make such order, after expiry of the prescribed time, without further waiting for that report. But there is nothing on record to suggest that the provisions of the Arms Act and the Arms Rule are being followed by the licensing authority in the State of Bihar.”

In view of the discussion made by the co-ordinate Bench of this Court in CWJC No. 1697 of 2018 dated 12.02.2018 the present writ petition is disposed of with the direction to the respondents to take appropriate decision in accordance with principles laid down in CWJC No. 1697 of 2018 dated 12.02.2018 and pass appropriate order within a maximum period of 60 days from the date of receipt/production of a copy of this order.

With the aforesaid the present writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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