

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15561 of 2017

=====

Munna Singh, Son of Late Ramchandra Singh, Resident of Village- Deoria
Dumarbanna, P.S. Deoria, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate, Muzaffarpur, District- Muzaffarpur.
3. The District Arms Magistrate, Muzaffarpur, District- Muzaffarpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh
For the Respondent/s : Mr. P.K.Verma -Aag3

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 08-05-2019 There is presumption as to the genuineness of the
official act.

2. The arms license was issued by the District
Magistrate, Dimapur, Nagaland in favour of the petitioner way
back in 2003 after following the due process. At the stage of
renewal of arms license of the petitioner, the respondents have
tried to justify their act of keeping the petition for renewal
pending. Para 6, 13, 15, 16 and 18 of the counter affidavit are
the objection raised by the respondents. The aforesaid objections
are quoted herein below for ready reference:

“6. That in response to which verification
report is communicated by Letter No. 367202, dated
13.11.2014, vide letter No. 6323, dated 17.08.2016
issued from Home Department (Police Section), Govt.



of Bihar by which it is communicated and directed that early to make any entry in O.D. Register regarding Arms License issued from North East States, the District Magistrate be assured/satisfied from the concerned Arms License issuing authority that early to issuance of related Arms License, valid all over India, approval from Ministry of Home, Govt. of India, was obtained or not. In view of law of the land and obtain copy of letter of approval aforesaid and provide the same to the Department of Home, Govt. of Bihar for getting it verified and only after verification obtained by Department of Home, Govt. of Bihar the District Magistrate will be given permission to make entry in the O.D. Register of the District. Vide Letter No. 825/Arms, dated 20.01.2018 by which District Arms Magistrate, Muzaffarpur has requested the Deputy Commissioner, Dimapur, Nagaland to provide a detail report in view of Letter No.-V-11016/16/2009 Arms, dated 06.04.2010 issued from Ministry of Home, Govt. of India that approval from Ministry of Home, Govt. of India was obtained early to issue Arms License valid all over India or not, which is awaited.

13. That in reply to the para 7 & 10 of the writ, onus lies on the petitioner to prove that early to issuance of Arms License, valid all over India to petitioner, approval from Ministry of Home, Govt. of India was obtained by the Deputy Commissioner, Dimapur, Nagaland.

15. That in para-13 & 14 of the writ stated that the verification report communicated by Deputy Commissioner, Dimapur, Nagaland is not in view of aforesaid letter of Ministry of Home, Govt. of India.



16. That in reply to the para-15 of the writ, stated that, in view of Letter No.6323 dated 17.08.2016 of the Department of Home, Govt. of Bihar copy of approval issued from Ministry of Home, Govt. of India is required to be obtained from Arms License issuing authority for which steps are taken and is awaited hence the allegation of petitioner is wrong, false and unfounded.

18. That in para-17 of the writ, it is stated that early to make entry in O.D. Register of Muzaffarpur District it is required to obtain the approval of Ministry of Home, Government of India from Deputy Commissioner, Dimapur, Nagaland as well as permission from Department of Home, Government of Bihar, Patna.”

3. Reading in between line of the objection, no prudent man can accept the difficulty expressed by the respondents in renewal of the license of the petitioner, as genuine.

4. The authorities of the State Government has to give up their habit of passing buck. Somebody in the department has to take the responsibility instead of shifting buck. The present case is a celebrated example of incompetence of the respondent authorities in the matter of taking decision. The Court is constrained to direct the District Magistrate, Muzaffarpur and all concerned to take appropriate decision on renewal of arms license instead of undertaking uncalled for and without



jurisdiction enquiry into grant of arms license by the District Magistrate, Dimapur, Nagaland.

5. Necessary corrective measures may be taken by the District Magistrate, Muzaffarpur, if not already taken, within a period of 60 days after the general election.

6. It is made clear that the respondents now cannot go behind the arms license issued by the District Magistrate, Dimapur, Nagaland, as the presumption is in favour of the regularity of officials acts.

7. With the aforesaid, this application stands disposed of.

(Anil Kumar Upadhyay, J)

uday/-

U			
---	--	--	--

