

28th February,
2024
(AK)
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W.P.A 1376 of 2024

Sudipta Kundu
Vs.
The State of West Bengal and others

Mrs. Reshmi Ghosh
Ms. Parna Mukherjee
...for the petitioner.

Ms. Ashmita Chakraborty
...for the State.

1. The petitioner's father had an arms licence. On his demise, the petitioner was permitted to retain the said firearm and a licence was issued in the name of the petitioner as well.
2. Before expiry of the term of such licence, the petitioner had applied for renewal which has still been kept pending, prompting the filing of the present writ petition.
3. Learned counsel for the petitioner contends that the petitioner has, in the meantime, acquired a second firearm as well. It is argued that on a composite reading of Section 3, sub-Sections (1) and (2) of the Arms Act, 1959, it is evident that a person can retain up to two firearms.
4. Learned counsel also relies on Sections 13 and 14 which respectively deal with grant and refusal of licences and submits that either for grant or

refusal, an order in writing has to be given by the licensing authority.

5. By placing reliance on Section 15 of the said Act, it is argued that even for a refusal to renew the license, reasons are to be given in writing. Otherwise, it is submitted, a person holding a licence is entitled to renewal of the same in due course.
6. Learned counsel for the State submits on oral instruction that the matter is already under consideration before the authorities.
7. In fact, the petitioner was given a hearing on a particular date upon which the petitioner was asked to produce certain further documents.
8. Another date has been fixed for hearing and the process is ongoing.
9. Learned counsel for the petitioner expresses the apprehension that since the licence has expired during pendency of the petitioner's application for renewal, the petitioner may suffer consequences in law for continuing to hold the firearms.
10. A composite reading of the Sections cited by the petitioner clearly indicates that under Section 15(3), every licence shall be renewable for the same period for which the licence was originally granted and renewable from time to time, unless the

licensing authority for reasons to be recorded in writing otherwise decides.

11. In the present case, such exercise is taking a prolonged period and in the meantime the petitioner's licence has expired.
12. Keeping in view of the above circumstance, WPA 1376 of 2024 is disposed of by directing the respondent no.2, the District Magistrate, Nadia and the licensing authority to dispose of the petitioner's pending application for renewal of arms licence within three weeks from date positively.
13. During the pendency of such adjudication, it will be deemed that the expired licence of the petitioner is continuing, subject of course, to the outcome of the adjudication on the renewal application.
14. Immediately after such adjudication, in the event the District Magistrate is of the opinion that there is no impediment in granting such renewal, the licence of the petitioner shall be renewed in due course of law.
15. In the event, however, the District Magistrate is of the opinion that there is some reason not to renew the same, the said authority shall comply with Section 15(3) and give the reasons in writing.
16. In such case, it will be open to the petitioner to challenge such decision of the District Magistrate.
17. There will be no order as to costs.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)