

AD-09
Ct No.09
13.03.2024
TN

WPA No. 6450 of 2023

Chandra Sekhar Baidya
Vs.
The State of West Bengal and others

Mr. Sounak Bhattacharya,
Mr. Sounak Mandal,
Mr. Anirban Saha Roy,
Mr. Abhirup Haldar

.... for the petitioner

1. Despite service of a copy of the writ petition, which is substantiated by the affidavit-of-service on record, and a notice to the office of the learned Government Pleader, which is also kept on record, none appears for the respondents to contest the matter at the time of call.
2. The petitioner had an arms licence for possessing a pistol. Subsequently the petitioner applied for renewal of the said licence on May 19, 2022, that is, prior to the expiry of the same. However, no action was taken by the concerned authorities on the said renewal application. On December 19, 2022, a notice was issued by the District Magistrate, South 24 Parganas to the petitioner to surrender his pistol, upon which the petitioner surrendered the said weapon with the concerned District Magistrate.
3. The present challenge has been preferred to the inaction on the part of the District Magistrate in

deciding the petitioner's application for renewal and seeking return of the pistol.

4. Learned counsel for the petitioner, in his usual fairness, also points out to some of the annexures of the writ petition which indicate that a criminal complaint was lodged against the petitioner which resulted in a charge-sheet being filed. A criminal trial is going on in that regard.
5. Learned counsel for the petitioner seeks to place reliance on the statements given in connection with the said investigation under Section 161 of the Code of Criminal Procedure as well as the charge-sheet to impress upon the court that the petitioner's involvement in the said scuffle is not borne out by the said documents.
6. Be that as it may, the petitioner's involvement or not in the alleged offences shall be decided by the criminal court where the trial is now pending. Insofar as the petitioner's arms licence is concerned, as the petitioner applied long back in the month of May, 2022 for renewal of the licence which has not been decided as yet, it is the incumbent duty of the concerned District Magistrate to decide the said application for renewal immediately.
7. Accordingly, WPA No. 6450 of 2023 is disposed of by directing the respondent no.2, that is, the District Magistrate and Collector, South 24 Parganas, Arms

Act Department, to decide the application for renewal of arms licence made by the petitioner as annexed at page-18 of the writ petition within a fortnight from the date of communication of this order to the respondent no.2.

- 8.** In the event the respondent no. 2 is of the opinion that the said licence cannot be renewed, the respondent no.2 shall give a written communication to the petitioner informing the reasons for such refusal in writing within a week thereafter. However, in the event the respondent no.2 is of the opinion that the petitioner is entitled to such renewal, the due process regarding such renewal shall be carried out immediately thereafter to ensure that the renewal is granted to the petitioner within a week thereafter.
- 9.** Consequent upon the disposal of the renewal application, depending upon the outcome thereof, the respondent no.2 shall take a decision on whether to return the pistol to the petitioner or not.
- 10.** There will be no order as to costs.
- 11.** Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)