

02-04-2025
Item No.34
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.29149 of 2023

Dhrubo Mukherjee

-vs-

The State of West Bengal & Ors.

Mr. Partha Dutt
Mr. Ananda Basu
Ms. Pooja Sah
Mr. Pratik Dutta ...for the petitioner

Sk. Md. Galib, sr. govt. adv.
Mr. Safik Dewan ...for the State

1. The petitioner in this Article 226 petition has prayed for a direction upon the respondents to release his firearm which was deposited with the arms dealer as he was not able to renew the arms licence in proper time.
2. From the documents annexed to the writ petition, it appears that the petitioner was granted enough opportunities to take back the firearm, but he failed to avail of any of the opportunities granted to him.
3. Lastly, it appears that on November 14, 2022, a communication was made to the petitioner to let the office know whether he applied for renewal during the period from December 31, 2018 to March 31, 2020 and, if applied, to furnish the documents thereof. The petitioner failed to give any response to the said communication. A notice demanding justice at the instance of the petitioner was made on September 1, 2023.

Prayer has been made to direct the authority to return the fire arm of the petitioner.

4. A report by way of affidavit has been filed by the Assistant Commissioner of Police, Arms Act Department, Kolkata wherein it has been mentioned in a tabular form the date of expiry and renewal of the arms licence, date of application for renewal and the period of renewal. It is evident therefrom that the petitioner never applied for renewal of the arms licence in proper time. Since 2010 till the last application for renewal was made in the year 2023, the petitioner all along delayed in making the application for renewal of his arms licence.
5. Rule 24 of the Arms Rules, 2016 prescribes that an application for renewal of licence for arms or ammunition shall be filed in the Form at least sixty days prior to the expiry of the licence with the licensing authority along with the documents specified in the Form.
6. The petitioner was granted repeated extension of time for release of his fire arm which he failed to avail of.
7. Rule 47 of the Arms Rules, 2016 prescribes that the depositor or his legal representative may exercise his right to receive back any arm within the specified period of one year. The period of one year may be extended by the District Magistrate by another six months, in case the depositor is found unfit for any reason to carry such arm or ammunition and the State Government may further extend the said period beyond six months by another six months.
8. In the instant case, the subject firearm was deposited on March 6, 2014 and the petitioner

failed to apply within the statutory time period for taking back the same. The firearm is with the licence dealer for more than ten years by now.

9. According to Rule 47(7) of the Arms Rules, 2016, the subsequent steps to be taken, if any firearm is not returned, is prescribed.
10. Hence, the prayer of the petitioner seeking return of his firearm, at such a belated point of time, cannot be accepted by the court.
11. The competent authority shall take steps in the matter in accordance with law.
12. The writ petition stands dismissed.
13. Report filed by the third respondent and the exception thereto by the petitioner be taken on record.
14. All parties are to act on the server copy of this order duly downloaded from the official website of this court.
15. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

