
(2005) 06 PAT CK 0006
In the Patna High Court
Case No : CWJC No. 13496 of 2004

Dwivedy Surendra, Advocate

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 30-06-2005

Acts Referred:

Citation : (2007) 3 PLJR 76

Hon'ble Judges : Nagendra Rai, Acting C.J.; S.N. Hussain, J

Bench : Division Bench

Judgement

Dt. 11.11.2004

1. The matter relates to the grant of arm-licence. On 2.11.2004, this Court directed the concerned authority of Patna to produce the relevant records to verify as to whether uniformity or consistency has been maintained in the grant of arm-licence or not. this Court also wanted to know as to whether a particular procedure in regard to fixing of time for the verification report and consideration of the applications in seriatum is followed or not.

2. Unfortunately, nothing has been produced. From a perusal of the Counter-affidavit, it appears that everything is in disarray. No doubt, no body can claim the grant of licence of arm as a matter of right as that is granted in terms of the statutory provisions. But the State official cannot grant the licence on pick and chose basis without following any procedure.

3. Accordingly, the District Administration of Patna is directed to produce all the applications received for the grant of arm-licence within four years, the date of the receipt of the application, the date on which the matter was sent to the Police Station and the date of receipt of the verification report from the Police Station so that by way of example, proper enquiry can be ordered with regard to the irregularities and manipulations in regard to Patna District and if necessary similar direction may be issued with regard to other districts of this State.

4. Put up this case for admission in the same list on 24.11.2004.

5. Let a Copy of this order be handed over to learned A.A.G. II.

Order dt. 21.4.2005

6. The matter relates to delay in granting licence under the provisions of the Arms Act.

7. It appears that a large number of applications are pending in different districts of the State of Bihar and most of them are not being disposed of because of non-submission of the report by the Police as called for by the licensing authority. For example, the Additional Advocate General has submitted a list of applications submitted for grant of arms licence during last four years in the district of Patna.

8. It appears that the total number of applications pending is 2538 out of which more than 2000 applications have not been disposed of because of non-submission of verification report by the Police. It was also pointed out that in spite of receipt of the verification report from the Police, even at the stage of the licensing authority the matter is delayed for one reason or the other thus causing harassment to the applicants. It is also pointed out that the standard for grant of licence adopted by the licensing authority is not reasonable as in many cases, persons having been involved in many criminal cases are being granted licence whereas those who really deserve the licence for safety of their lives have been denied on one ground or the other.

9. In our view the matter is serious If anyone makes an application for grant of licence then his application has to be disposed of within a reasonable time. No one is supposed to run into different offices for this purpose.

10. Accordingly, let the Home Com missioner file an affidavit giving details of all the applications pending in the State of Bihar for the last four years and their present stage i.e. as to how many applications are pending for Police verification and how many are pending in the office of the licensing authority so that appropriate order can be passed fixing time limit for their disposal.

11. Put up this matter on 16.5.2005 in the supplementary list. The Home Commissioner is directed to issue immediate direction in the meantime to all the District Magistrates to send the required information so that appropriate order can be passed on the next date.

12. During the course of hearing, it has also been pointed out that many applications filed by the heirs of the deceased licensee have not yet been disposed of on one ground or the other. Such applications are required to be disposed of on priority basis. Accordingly, the District Magistrates are directed to dispose of such applications on priority basis. List of such applications should also be submitted separately while filing an affidavit in this Court.

13. It has been stated that more than 200 applications have been rejected by the District Magistrate, Buxar and though the concerned persons have already

applied for certified copy of the order but the same is not being provided to them. It is directed that if an application has been made for supply of the certified copy, the same be immediately made available to them.

14. It has also been stated that many District Magistrates are reported to have granted indiscriminate licenses on the eve of their transfers from the District. Let a report in this regard be also called for from the successor District Magistrates as to how many licences have been granted by the outgoing District Magistrates within ten days before their transfers.

15. Let a copy of this order be handed over to the learned Additional Advocate General.

Order dt. 30.6.2005

16. This matter relates to the disposal of applications for grant of arms licence under the provision of the Arms Act. If anyone has to find out the best example of inaction he is not to travel anywhere but to see the office of the Collectors/ District Magistrates in the State of Bihar.

17. The total number of applications pending for the last 4 years in all the districts of the State of Bihar for grant of licence is 35108 and the disposal shown is 11013 and 22942 applications have remained indisposed of. But it is evident from the fact that within 10 days before the transfer the officers have shown such a promptness that many applications for grant of licence were disposed of hurriedly. In the case of Aurangabad the total number of disposal shown is 37 and similar is the example of other districts. It further appears that out of the aforesaid 22942 applications 17404 are pending for police verification.

18. this Court is compelled to take judicial notice of the aforesaid fact that files are kept pending for verification by the police for an indefinite period for the purpose different than the purpose files are sent before them.

19. Be that as it may, this Court takes a serious view of the matter and issues a direction to the Home Secretary, Government of Bihar, Patna to write a letter to the Inspector General of Police of all the Divisions with a copy to all the Superintendents of Police directing them to issue direction to the concerned police officers to send the verification report to the District Magistrate of the district within a period of 1 month from today. In case of disobedience of the order of this Court by any of the police officer, stern action should be taken against him and the matter should be reported to this Court for a direction for taking action against him.

20. According to the report 5538 application are pending before the District Magistrates for disposal after receipt of the police report. No doubt, it is for the District Magistrates to decide which day suits them to hold the court for this purpose. But they are directed to hold court at least two days in a month for disposal of applications pending for grant of arms licence including the applications filed by the heirs of the deceased licensees. Any deviation from this

and a report to this Court by the Home Secretary will be a ground to initiate a contempt proceedings. Let all the 5538 applications pending before the District Magistrates for disposal be disposed of within two months from today. The other applications which are pending for police verification be disposed of within four months from today. The District Magistrates and the Superintendents of Police should carry out the duties for expediting the submission of the verification report.

21. Let the government get published" this order in the newspaper so that no District Magistrate and police officer take a plea that the order was not communicated by the Home Secretary to them.

22. So far the grant of 348 licences by the District Magistrates hurriedly just on the eve of his transfer are concerned, the Home Secretary, Government of Bihar, is directed to call for all the relevant files and inquire into the matter and submit a report as to when the applications were filed and as to what was the reason to dispose of them so hurriedly on the eve of their transfer. He will submit a report within a period of 2 months.

23. Put up this matter after two months (i.e. 5.9.2005) in the same list. Let a copy of this order be given to the Counsel for the State to hand it over to the Home Secretary, Government of Bihar.