
(2003) 03 PAT CK 0048
In the Patna High Court
Case No : C.W.J.C. No. 13511 of 2002

Rishi Kant Chaubey

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 11-03-2003

Acts Referred:

Citation : (2003) 2 PLJR 511

Hon'ble Judges : R.S. Garg, J

Bench : Single Bench

Advocate : Nagendra Dubey, for the Appellant; Shashi Bhushan Kumar, for State, for the Respondent

Judgement

R.S. Garg, J.—It is only heard in Bihar and specially in the matters of the arms licence that the application at different levels remain pending for ten years or so. I fail to understand that by not passing orders on the said application what sadistic pleasure is derived by different authorities who are otherwise obliged and duty-bound to pass orders on the application. The grant of the arms licence is within the discretion of the District Magistrate and the said District Magistrate is not obliged to delay the matter unnecessarily because some person at some level is pressurising him to do one act or the other. When arms licence is applied for then prima facie it has to be believed that the person applying for the arms licence is in need of arms either for his protection or protection of his family or property. If the authorities do not pass orders on the application for long many years then it only shows/says that the authorities are not concerned about the plight and the dangers of the general public.

2. Let a copy of this order be sent to the Secretary Home (Special), Patna, Bihar for issuing a proper order to all the District Magistrates that in future they must dispose of the arms application within a fixed period of six months to one year so that this Court is not unnecessarily flooded with the writ applications seeking direction that the District Magistrates be required to act in accordance with law.

3. It is expected of the District Magistrate that within four weeks of the receipt/production of a copy of this order he shall pass orders on the Petitioner's application. He is forewarned that if he does not pass orders on the application within the period aforesaid, he may expose himself to the judicial wrath of this Court for disobedience of this order.