

24.06.2020
S/L No. 5
Court No.13
s.biswas

WP 5580 (W) of 2020
With
CAN 3312 of 2020
(Through Video Conference)

Subir Biswas
Vs.
State of West Bengal & Ors.

Mr. Subir Sanyal
Mr. Sankar Halder
Mr. Sagnik Roy Chowdhury

... ... for the petitioner

Mr. Ashim Kr. Ganguly

... ... for the State

Petitioner undertakes to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

The writ petitioner has sought for issuance of writ in the nature of mandamus commanding the respondent authorities especially to the respondent no.2 to conclude or set aside the Memo No.374/JM dated 04.03.2020 being annexure P-3 to this application and further direction upon the respondent concerned to grant arms licence to the petitioner as per his application annexure P-2.

The petitioner further incorporated his prayer for mandamus upon the respondent authorities particularly the respondent no.2 to reconsider the representation made by the petitioner by his letter dated 16.03.2020 and to give opportunity of hearing to the petitioner.

The petitioner submits that he belongs to a particular political party and very fair, prudent and impartial person and during his political career he has faced many hardship but never compromised with dishonesty and corruption and for that reason there is every likelihood of danger to the life of the petitioner and he has many enemies. He further submits that he is a businessman and in his locality he is a very important person requiring minimum protection from the State authority as a citizen for his safety and security of life. Accordingly, he applied for issuance of licence for small arms.

The application so made on behalf of the writ petitioner was enquired into by the District Magistrate, the arms licence issuing authority and he was asked to appear before the Additional District Magistrate General, Nadia in chamber on 02.03.2020 at 11:30 a.m. along with the documents to ascertain whether he is in threat perception or not. By the order of District Magistrate on 24.02.2020 it would appear that the learned Magistrate by his letter dated 04.03.2020 rejected the

prayer of the writ petitioner in the matter of issuance of armed licence enclosing the specific order dated 02.03.2020 passed by the Additional District Magistrate General, Nadia which reflects that upon hearing the petitioner and considering the police report and all connected paper the Additional District Magistrate General, Nadia was pleased to reject the application and turned down for issuing armed licence.

My attention is invited to the provision of Sections 13 and 14 of the Arms Act as embodied in Chapter 3 of the Arms Act. It emerges that the Licence issuing authority has to act upon the enquiry report through the officer in charge of the nearest police station. It would appear from the order impugned that the concerned authority has already taken into consideration the police report upon enquiry in compliance with the provision and has refused to grant licence to the petitioner as there is no specific threat to life and property.

Mr. Ganguly, learned counsel appearing for the State/respondent submits that the report of the police clearly reveals that there is no threat perception and the petitioner is a common man of the locality and there is no requirement of issuance of arms licence. The petitioner has pointed out that he is a respected person in the society and has a lot of landed property.

Whether the petitioner has landed property is not an important criteria for issuance of the arms licence. The only criteria which requires to be taken note of is whether the person has threat perception. There are many Sessions Judges who have really threat perceptions even though they do not need personal arms licence, of course they have personal security. But after their retirement, the threat perception continues, still such retired judicial officers do not ask for arms licence.

I am well convinced upon hearing learned counsel appearing for both the parties that the order impugned warrants no interference as the competent authority has already taken note of the enquiry report conducted by the officer in charge as reflected from the order itself.

For the aforesaid reason, I do not find any merit in this writ application.

Writ application being WP 5580 of 2020 is thus, dismissed and CAN 3312 of 2020 also stands disposed of.

(Shivakant Prasad, J.)