

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16230 of 2019

-
-
1. Meera Singh W/o Sri Suresh Prasad Singh, Resident of Mohalla- Saraswati Nagar, Road No.5, Bairiya, P.S.- Ahiyapur, District- Muzaffarpur.
 2. Suresh Prasad Singh S/o Ram Bhujawan Singh, Resident of Mohalla- Saraswati Nagar, Road No.5, Bairiya, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Old Secretariat, Patna.
2. The Senior Superintendent of Police, Muzaffarpur.
3. City Superintendent of Police, Muzaffarpur.
4. The Sub Divisional Officer, East, Muzaffarpur.
5. The S.H.O., Ahiyapur P.S., Muzaffarpur.
6. Priyanka Kumari @ Mikki W/o Sri Suman Saurav D/o Sri Devendra Singh @ Anil Singh, Resident of ISH-55, District- Dhanbad at present resident of Mohalla- Saraswati Nagar, Road No.5, Bairiya, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Adv.
For the Respondent/s : Md. Iqbal Asif Niazi, AC to GP 5

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 02-03-2021 Heard Mr. Krishna Kant Singh, learned counsel for the petitioners, Mr. Sanjay Parasmani, learned counsel for respondent no.6 and Md. Iqbal Asif Niazi, learned AC to GP 5.

Learned AC to GP 5 did not file any counter affidavit.

The petitioners by filing this writ petition seek direction to respondent nos.2 to 5 to protect the life and property of the petitioners and ensure that respondent no.6 shall vacate the residential house of the petitioners after holding that private



respondent no.6 has no authority to reside in the house of the petitioners, which is self-acquired property of the petitioners, who are senior citizens.

Respondent no.6 is nonelse than the daughter-in-law of the petitioners. Admittedly the son of the petitioners and the respondent no.6 could not pull on well and both sides filed different sorts of cases such as maintenance case, restitution of conjugal rights and divorce case including criminal case.

The thrust of the argument of learned counsel for the petitioners is that the petitioners, who are senior citizens, filed a petition before the Sub-Divisional Magistrate, Muzaffarpur under the Senior Citizens Act but no order is passed by the Sub-Divisional Magistrate, Muzaffarpur. The petitioners came to this Court but on the face of it, I find that this Court in writ jurisdiction cannot hold that respondent no.6 is not entitled to live in the house of her in-laws when she is on litigating term with her husband. Therefore, I dispose of the writ petition with liberty to the petitioners to pursue their case before the Sub-Divisional Magistrate, Muzaffarpur, who shall dispose of the petition of the petitioners filed before him within four months from the date of receipt of this order.

The S.S.P., Muzaffarpur shall consider the petition of



the petitioners whether the petitioners require any protection for their lives and liberty and shall pass order within four months.

With the aforesaid observations, this writ petition is disposed of.

(Prabhat Kumar Jha, J)

Harish/-

U			
---	--	--	--

