

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2096 of 2023

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Sunil Kunwar @ Sunil Kumar Son of Late Geeta Kunwar Resident of
Village- Dhusmuri Bisanpur, P.S.- Khagaria, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Land and Revenue, Government of Bihar, Patna.
2. The District Magistrate, Khagaria.
3. The Sub-Divisional Officer, Khagaria.
4. The Circle Officer, Block- Khagaria, District- Khagaria.
5. The Circle Inspector, Block- Khagaria, District- Khagaria.
6. The Revenue Karmchari, Block- Khagaria, District- Khagaria.
7. Savitri Devi, Wife of Late Ram Narayan Singh Resident of Village- Dhusmuri Bisanpur, P.S.- Khagaria, District- Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Adv.

For the Respondent/s : Mr. Sajid Salim Khan (SC-25)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 18-07-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for directing the respondent to not interfere in the peaceful possession of the petitioner over the land which he got in share appertaining to Revenue P.S.- 253, Mauza- Dhusmuri Bisanpur, District- Khagaria.

3. Counsel for the petitioner submits that petitioner is handicap person due to which the respondent authorities have always try to threaten and take the possession of the land in question by force. Counsel further submits that being handicap person, he has disability and not in a position to fight with the

normal person, therefore, he needs protection from the authorities/ State.

4. Counsel for the petitioner further submits that under the Rights of Persons with Disabilities Act 2016, it has been mentioned that the appropriate government shall ensure the persons with disabilities to enjoy the right to equality, life with dignity and respect for his or her integrity equally with others. Under law, it is the Collector of the District who is representative of State within the District, is bound to protect and save the petitioner with non-discrimination.

5. Counsel for the State submits that petitioner may be directed to represent before the Collector, Khagaria in this matter, so that, the appropriate order may be passed relating to his protection and a direction may be given to the concerned authorities. The provision of Rights of Persons with Disabilities Act 2016 under Section 13(1) states as follows:-

“13(1)- The appropriate Government shall ensure that the persons with disabilities have right, equally with others, to own or inherit property, movable or immovable, control their financial affairs and have access to bank loans, mortgages and other forms of financial credit.”

6. In this background, petitioner is directed to represent himself before the Collector, Khagaria within four weeks along with order passed by this Court and the Collector, Khagaria shall pass an speaking and reasoned order within 8 weeks, thereafter, to the appropriate person for the protection of petitioner’s life and property.

7. With the aforesaid direction, the present writ application is hereby disposed of.

(Dr. Anshuman, J.)

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