

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3054 of 2023

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Sunaina Devi Wife of Late Ram Narayan Jha, Resident of Village- Bhallu,
P.O.- Sukhari, P.S.- Mehrama, District- Godda, State- Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Revenue and Land Reforms Department, Govt. of Bihar, Patna.
3. The District Magistrate-cum-Collector, Bhagalpur, District- Bhagalpur.
4. The Senior Superintendent of Police, Bhagalpur, District- Bhagalpur.
5. The Land Reform Deputy Collector, Chakia, Bhagalpur, District- Bhagalpur.
6. The Officer-In- Charge, Lodipur, District- Bhagalpur.
7. The Sub Divisional Officer, Bhagalpur, District- Bhagalpur.
8. The Circle Officer, Sabour, District- Bhagalpur.
9. Md. Abdul Barik @ Bablu Son of Late Barik Mahru, Resident of Village- Tabalpur, P.S.- Lodipur, District- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Adv.
For the Respondent/s : Mr. Rishi Raj Sinha, SC-19.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-07-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for security and safety of the life and property of the petitioner at the hands of private respondents bearing Thana No.123, Thana-Lodipur, Anchal-Sabour, Mauza-Chakyasin, Khata No.5, Khesra No.12, Area 10 decimal in which Jamabandi is running in the name of petitioner being Jamabandi No.35 in the district of Bhagalpur.



3. Learned counsel for the petitioner submits that petitioner is old aged lady of 83 years. He further submits that petitioner had filed representation before the District Magistrate, Bhagalpur but nothing happened.

4. Learned counsel for the State submits that the present dispute is relating to private dispute against the private respondent over private land, therefore, petitioner has alternative remedy available under law but he simultaneously says that due to old age of petitioner and particularly in the law of Bihar Maintenance & Welfare of Parents & Senior Citizens Rules, 2012 published in Bihar Gazette (Extraordinary) 12th September, 2012 in which as per Rule 22 action plan has been created for protection of life and property of Senior Citizens which are as follow:-

“22. Action plan for the protection of life and property of Senior Citizens.- (1) The District Superintendent of Police and in the case of cities having a Police Commissioner, such Police Commissioner shall take all necessary steps, subject to such guidelines as the Government may issue from time to time for the protection of life and property of senior citizens.

(2) Without prejudice to the generality of sub-rule (1):

(i) each police station shall maintain an up-to-date list of senior citizens living within its jurisdiction, especially those who are living by themselves (i.e.



without there being any member in their household who is not a senior citizen);

(ii) a representative of the police station together as far as possible, with a social worker or volunteer, shall visit such senior citizens at regular intervals of at least once a month, and shall, in addition, visit them as quickly as possible on receipt of a request of assistance from them;

(iii) complaints/problems of senior citizens shall be promptly attended to, by the local Police;

(iv) one or more Volunteers' Committee(s) shall be formed for each Police Station which shall ensure regular contact between the senior citizens, especially those living by themselves, on the one hand, and the police and the district administration on the other;

(v) the District Superintendent of Police or, the Police Commissioner as the case may be, shall cause to be publicized widely in the media and through the Police Stations, at regular intervals, the steps being taken for the protection of life and property of senior citizens;

(vi) each Police Station shall maintain a separate Register containing all important particulars relating to offences committed against Senior Citizens as in Annexure IV;

(vii) the Register referred to in clause (vi) shall be kept available for public inspection, and every officer inspecting a Police Station shall invariably review the status as entered in the Register;

(viii) the Police Station shall send a monthly report of such crimes to the District Superintendent of Police by the 10th of every month;

(ix) list of Do's and Don'ts to be followed by senior



citizens, in the interest of their safety will be widely publicized;

(x) antecedents of domestic servants and others working for senior citizens shall be promptly verified, on the request of such citizens;

(xi) community policing for the security of senior citizens will be undertaken in conjunction with citizens living in the neighborhood, Residents' Welfare Associations, Youth Volunteers, Non-Government Organizations, etc;

(xii) the District Superintendent of Police shall submit to the Director General of Police and to the District Magistrate, a monthly report by the 20th of every month, about the status of crimes against senior citizens during the previous month, including progress of investigation and prosecution of registered offences, and preventive steps taken during the month, as in Annexure V;

(xiii) the District Magistrate shall cause the report to be placed before the District level Committee constituted under rule 24;

(xiv) The Director General of Police shall cause the reports submitted under clause (xii) to be compiled, once a quarter, and shall submit them to the Government every quarter as well as every year for, inter-alia, being placed before the State Council of Senior Citizens constituted under Rule 23.”

5. In that view of the matter, the petitioner has only remedy to file an application before the Superintendent of Police who shall act in accordance with Rule 22 of Bihar Maintenance & Welfare of Parents & Senior Citizens Rules,



2012 being action plan for the protection of the petitioner which is legislative intent of Government.

6. In this view of the matter, the present writ petition is disposed off with liberty to the petitioner that she shall file fresh representation before the Superintendent of Police, Bhagalpur who shall take action within eight weeks thereafter.

(Dr. Anshuman, J.)

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