

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3854 of 2023

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Ganga Sagar Mahto S/o Late Ramsewak Mahto, Resident of Village-
Lakhnaura, P.S.-Basantpur, Distt.-Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Superintendent of Police, Siwan.
4. The Commissioner, Saran Division, Chapra.
5. The District Magistrate Siwan.
6. The Deputy Collector Land Reforms, Maharajganj, Siwan.
7. The Sub-Divisional Officer, Maharajganj, Siwan.
8. The Circle Officer, Lakdi Nabiganj, Siwan.
9. The S.H.O., Lakdi Nabiganj, Siwan.
10. Umesh Kumar Chauhan, S/o Late Vijay Kumar Chauhan @ Tulsi Mahto.
Resident of Vill.-Lakhnaura, P.s.-Basantpur, Distt.-Siwan.
11. Sanjay Chauhan, S/o Late Vijay Kumar Chauham @ Tulsi Mahto . Resident
of Vill.-Lakhnaura, P.S.-Basantpur, Distt.-Siwan.
12. Ramavati Devi W/o Late Vijay Kumar Chauhan @ Tulsi Mahto Resident of
Vill.-Lakhnaura, P.S.-Basantpur, Distt.-Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv.
For the Respondent/s : Mr. M. Nasrul Huda Khan, SC-1.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-08-2023 Learned counsel for the petitioner prior to argument

submits that he has filed writ petition seeking relief against

respondent nos. 10 to 17 but he seeks permission to delete the

name of respondent nos. 13 to 17 from the writ petition.

2. Permission granted.

3. Counsel for the petitioner is directed to delete the



name of respondent nos. 13 to 17 from the writ petition in course of the day because he is not interested to seek relief against respondent nos. 13 to 17.

4. Heard learned counsel for the petitioner and learned counsel for the State.

5. The present writ petition has been filed seeking direction to the official respondents to take appropriate legal action against respondent nos. 10 to 12 to stop them from trespassing the petitioner's khatiyani land situated near NH-101 bearing Tauzi No.1694, Khata No.91, Survey No.2082, Area-31 Kathas.

6. Learned counsel for the State raised preliminary objection that the petitioner is seeking relief against private respondents and there is already different remedies available under law for his grievances as the dispute is completely private in nature.

7. Admittedly the petitioner come within the category of Senior Citizen. The State of Bihar has framed a special law i.e. the Bihar Maintenance & Welfare of Parents & Senior Citizens Rules, 2012 Published in Bihar Gazette 471 dated 12th September, 2012 and under Rule 22 of the said law there is a provision for protection of life and property of senior citizens.



8. Rule 22 states as follows:-

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.

9. In the light of the above said Rule, the petitioner is at liberty to avail remedy under Rule 22 of the Bihar Maintenance & Welfare of Parents & Senior Citizens Rules, 2012 Published in Bihar Gazette 471 dated 12th September, 2012 before the Superintendent of Police, Siwan within four weeks alongwith the copy of order passed by this Court.



10. The Superintendent of Police, Siwan is directed to take appropriate action in accordance with the above mentioned rule.

11. With this observation and direction, the present Writ Petition stands disposed off.

(Dr. Anshuman, J.)

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