

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4181 of 2023

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Zeyaul Haque S/o Hamidul Haque, R/o Village- ThakuriChak, P.O.- Garhara,
P.S.- Barauni, District- Begusarai, Bihar- 851126

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Bihar Government of Bihar, Main Secretariat, Bihar 800015
2. The Chief Secretary, Government of Bihar, Main Secretariat, Bihar 800015
3. The Home Secretary, Government of Bihar, Main Secretariat, Bihar 800015
4. The District Magistrate, Begusarai, Office of the District Magistrate, Vishnupur, Chitragupta Nagar, Begusarai, Bihar- 851101
5. The Superintendent of Police, Begusarai, Office of Superintendent of Police, VIP Road, Vishnupur, Chitragupta Nagar, Begusarai, Bihar- 851101
6. The Sub-Divisional Officer, Begusarai- Samho Road, Collectorate Area, Vishnupur, Chitragupta Nagar, Begusarai, Bihar- 851101
7. The Circle Officer, Garhara, District- Begusarai.
8. Mr. Firoz Akhtar S/o Late Mansur Ahsan, R/o Village Thakuri Chak, P.O.- Garhara, P.S.- Barauni, District- Begusarai, Bihar- 851126

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Harsh Kaushal, Adv.

For the Respondent/s : Mr. Md. Khurshid Alam, (AAG-12)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 02-08-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ application has been filed directing the respondent nos. 1 to 5 for removing the encroachment done by the respondent no. 8 on the self-acquired land of the petitioner bearing Khesra No. 803, Khata No. 163, Revenue P.S. No. 169, Mauza- Dhangawan, District- Begusarai.

3. Learned counsel for the petitioner further prayed that the petitioner needs protection of himself and his family at

the hand of the private respondent. Counsel further submits that the petitioner is a senior citizen who has filed several representations to the different officials but nothing happened.

4. Learned counsel for the State submits that the grievance of the petitioner is against the private respondent for which there are different forums before the petitioner to avail remedy.

5. The Government of India has framed a law, namely, the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and the State of Bihar has framed a Rule in the light of Section 32 of the said Act, namely, the Bihar Maintenance and Welfare of Parents and Senior Citizens Rule, 2012 and under Section 22 of the said Rule, there is a specific provision that how the life and property of senior citizenship could be protected which are as follows:

“(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.”

6. Learned counsel for the State submits that if, the State of Bihar has framed a Rule, then the petitioner should have to avail the remedy under the same.

7. In this background, the petitioner is directed to file his representation within four weeks from today before the District Superintendent of Police, Begusarai seeking protection of his life and property and the District Magistrate, Begusarai is directed to take appropriate steps as laid down in the said Rule within eight weeks from the date of filing the representation.

8. With this direction, the present writ application stands disposed of.

(Dr. Anshuman, J.)

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