

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4165 of 2023

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1. Jay Shankar Jha S/o Late Shri Narsing Jha, Resident of Village Chunni, Block-Madhepur, P.S.-Madhepur, District-Madhubani, State-Bihar (PIN-847408).
 2. Indira Devi, W/o Shri Jay Shankar Jha, Resident of Village Chunni, Block-Madhepur, P.S.-Madhepur, District-Madhubani, State-Bihar (PIN-847408).

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Social Welfare Department, Government of Bihar.
2. The Member Secretary, State Council of Senior Citizens, Patna.
3. The Director, Directorate Social Security, Social Welfare Department, Govt. of Bihar.
4. The Chairperson, District Committee of Senior Citizens Madhubani.
5. The District Magistrate, Madhubani.
6. The Sub-Divisional Magistrate, Madhubani.
7. The Superintendent of Police, Madhubani.
8. The Station House Officer, Madhepur Police Station, Madhubani.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Vishal Kumar Singh, Advocate
		Mr. Abhishek Anand, Advocate
For the Respondent/s	:	Mrs. M.K. Upadhyay, AC to GP-3

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-10-2023 The present writ petition has been filed
seeking the following reliefs:-

*“1. i. For the issuance of a writ in
the nature of Mandamus or any
other appropriate Writ(s), Order(s),
Direction(s) commanding the
Respondent-State authority to
ensure the eviction of Ms. Ricky*



Kumari (the grand daughter-in-law) from the residential-premise of Petitioner no. 1.

ii. For the issuance of a writ in the nature of Mandamus or any other appropriate Writ(s), Order(s), Direction(s) commanding the Respondent-State authority to ensure that Mr. Rahul Kumar Jha (the grandson) shall not enter upon the residential premise of Petitioner no.1.

iii. For the issuance of a writ in the nature of Mandamus or any other appropriate Writ(s), Order(s), Direction(s) commanding the Respondent-State authority to ensure protection of life and property of senior citizens (that is Petitioner no. 1 and 2) as per the mandate of section 22(2) of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

iv. In an alternate to Prayer number (i), pass an order directing the DM Madhubani to decide the case of



petitioners for eviction of Ms. Ricky Kumari (the grand daughter in law) from the residential-premise of Petitioner No. 1, which is pending before him for the last one and half year.

V. In an alternate to Prayer number (ii), pass an order directing the DM Madhubani to decide the case of petitioners for restraining Rahul Kumar Jha (the grandson) from entering upon the residential-premises of Petitioner no. 1., which is pending before him for the last one and half year.”

2. At the outset, the learned counsel for the petitioners submits that the petitioners would be filing appropriate formal petition before the Sub-Divisional Officer, Jhanjharpur, District-Madhubani, within a period of one week from today, hence the said authority be directed to consider the same and pass appropriate orders under the provisions of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (hereinafter referred to as



the 'Act, 2007').

3. The learned counsel for the respondent-State submits that the Sub-Divisional Officer, Jhanjharpur, District-Madhubani is already ceased of the matter, however, in case a formal application is filed, the same shall be processed, notices shall be issued to the affected parties and thereafter a reasoned and a speaking order shall be passed as per the provisions contained in the aforesaid Act, 2007, forthwith.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to grant liberty to the petitioners to file appropriate petition under the provisions of the Act, 2007 before the Sub-Divisional Officer, Jhanjharpur, District-Madhubani and in case such a petition is filed within a period of one week from today, the Sub-Divisional Officer, Jhanjharpur, District-Madhubani shall consider the same and if so warranted, issue notices to the affected parties, consider their respective objections/written statement/case and take a final decision in the



matter within a period of twelve weeks, thereafter.

5. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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