

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5131 of 2023

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Birendra Prasad Singh Son of Late Beni Madhav Prasad Singh @ Beni Prasad Singh, Resident of Village- Mohamda, P.S. - Pusa, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Revenue, Govt. of Bihar Patna.
3. The Principal Secretary, Department of Home, Govt. of Bihar Patna.
4. The Divisional, Commissioner, Darbhanga.
5. The Collector Samastipur, District - Samastipur.
6. The Superintendent of Police, Samastipur, District - Samastipur.
7. The Sub-Divisional Officer Samastipur, District - Samastipur.
8. D.C.L.R. Samastipur, District - Samastipur.
9. The Circle Officer, Pusa, District - Samastipur.
10. The Officer in-Charge, Pusa, Police Station, District - Samastipur.
11. Suresh Paswan, Son of Late Ganaur Paswan, Resident of village - Mohamda, P.S. - Pusa, District - Samastipur.
12. Santoshi Paswan, Son of Iruni Paswan, Resident of village - Mohamda, P.S. - Pusa, District - Samastipur.
13. Pinku Paswan, Son of Suresh Paswan, Resident of village - Mohamda, P.S. - Pusa, District - Samastipur.
14. Sangita Devi, Wife of Pinku Paswan, Resident of village - Mohamda, P.S. - Pusa, District - Samastipur.
15. Fulo Devi, Wife of Santoshi Paswan, Resident of village - Mohamda, P.S. - Pusa, District - Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar, Adv.
For the Respondent/s : Mr. Rishi Raj Sinha, SC-19.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-08-2023 Heard learned counsel for the petitioner and

learned counsel for the State.

2. The present writ petition has been filed for

setting-aside the order dated 01.11.2022 passed in Misc. Case



No.156 of 2021 passed by Collector Samastipur, District Samastipur whereby he refuse to remove the unauthorized encroachment, encroached by the private respondents upon the petitioners land.

3. Learned counsel for the petitioner submits that petitioner is 76 years old aged person and he is being disturbed at the hands of private respondents.

4. After some argument, learned counsel for the petitioner submits that a direction may be given to the authorities (Superintendent of Police, Samastipur, respondent No.6) to provide protection to the life and property of the petitioner.

5. Learned counsel for the State submits that the petitioner may file representation under the Bihar Maintenance & Welfare of Parents & Senior Citizens Rules, 2012 Published in Bihar Gazette 471 dated 12th September, 2012.

6. Upon hearing the arguments and going through the position of law, it is clear that Rule 22 of the Bihar Maintenance & Welfare of Parents & Senior Citizens Rules, 2012 Published in Bihar Gazette 471 dated 12th September, 2012 prepared in the light of Section 56 of the Central Act, 2007 which are 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.

7. In this background, the petitioner is directed to file application under Rule 22 of the Bihar Maintenance & Welfare of Parents & Senior Citizens Rules, 2012 before the Superintendent of Police, Samastipur within four weeks from today and the Superintendent of Police, Samastipur is directed to do all the needful in accordance with the legislative guidelines mentioned in the said rule for the protection of life



and property within two weeks from the date of filing of representation before him.

8. With this direction and observation, the present writ petition stands disposed off.

(Dr. Anshuman, J.)

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