

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9827 of 2023

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Madan Lal Rajak Son of Late Bulkan Rajak, Resident of Mohalla-H. No. 378,
Mithapur, B-Area, Bengali Road, P.S.- Jakkanpur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Nalanda.
3. The Deputy Collector, Land Reforms, Nalanda.
4. The Circle Officer, Chandi Anchal, Nalanda.
5. The Circle Inspector, Chandi Anchal, Nalanda.
6. The Superintendent of Police, Nalanda.
7. The S.H.O. Chandi Police Station, Nalanda.
8. Satya Nand Shukla S/o Yogendra Shukla, R/O Village- Asta, P.S.- Tharthari,
District- Nalanda.
9. Janardan Singh S/O Late Mosaphir Singh, Resident of Village- Badhauna,
P.S.- Chandi, District- Nalanda.
10. Ravi Shankar Kumar S/O Janardan Singh, Resident of Village- Badhauna,
P.S.- Chandi, District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Adv.
For the Respondent/s : Mr. Sajid Salim Khan, (SC-25)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 28-08-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ application has been filed for not
to disturb the petitioner from his property bearing Khata No.
491, Khesra No. 1118, Area 96.05 decimal at the hand of private
respondents.

3. Learned counsel for the petitioner submits that the
said land is the land of petitioner's mother who purchased and

thereafter they are coming in the possession of the said property. Counsel submits that the petitioner is an old aged lady of 69 years and comes within the category of senior citizen.

4. Learned counsel for the State submits that the petitioner may take protection under the Bihar Maintenance & Welfare of Parents & Senior Citizens Rules, 2012 (hereinafter referred to as 'the Rule of 2012').

5. In the light of the submissions made, it is very much clear that the age of the petitioner is 69 years and he is admittedly a senior citizen. The Government of India has framed a law, namely, the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 (Central Act 56 of 2007) and the State of Bihar has framed a Rule in the light of Section 32 of the said Act, namely, the Bihar Maintenance & Welfare of Parents & Senior Citizens Rules, 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:

“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.”

6. In this view of the matter, the present writ application is disposed of directing the petitioner to file an application within eight weeks’ from today before the Superintendent of Police, Nalanda who shall take action under Section 22 of the Rule of 2012 within four weeks’ from the date of filing the representation under this Rule.

(Dr. Anshuman, J.)

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