

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18117 of 2022

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Ajay Kumar Yadav S/o Sri Chote Lal Yadav, R/o- Village- Narayanpur, P.O.-
Nandlalpur, P.S.- Kahalgaon, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through District Magistrate, Bhagalpur
2. The District Magistrate, Bhagalpur.
3. The Sub- Divisional Officer, Kahalgaon, Bhagalpur.
4. The General Manager, Human Resource, National Thermal Power Corporation, (N.T.P.C.), Kahalgaon, Bhagalpur.
5. Sri Chotelal Yadav, S/o- Late Biro Prasad Yadav, R/o Village- Narayanpur, Post- Nandlalpur, P.S.- Kahalgaon, District- Bhagalpur.
6. Sri Prem Kumar, S/o Sri Chotelal Yadav, R/o Village- Narayanpur, Post- Nandlalpur, P.S.- Kahalgaon, District- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Singh, Advocate.
For the Respondent/s : Mr.Manish Kumar, GP-4.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-01-2023 The present writ petition was mentioned to be heard out of turn by Mr. Rajeev Kumar Singh, learned counsel appearing on behalf of the petitioner on 23.01.2023 taking into consideration that the elder brother of the petitioner by playing mischief has filed an application before the S.D.O., Kahalgaon who is having jurisdiction to entertain the application under Section 4 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. He has informed this Court that the petitioner is ready to make payment of Rs.5000/- per month without any objection, however he is pained with the attitude



and action of his elder brother namely Prem Kumar. He further submitted that said Prem Kumar who is elder brother of the petitioner is a greedy person and he can persuade his father to even sell out the landed property as well as the ancestral property in which petitioner has his share.

Considering the aforesaid submission made by Mr. Rajeev Kumar Singh, learned counsel appearing on behalf of the petitioner, the Court had directed the petitioner to appear before this Court along with his father namely Chhote Lal Yadav.

The petitioner has tendered his appearance today in the Court who has informed this Court that he is an employee of N.T.P.C., Kahalgaon and he has no objection so far as maintenance of Rs.5,000/- is concerned which goes into the account of his father, but the conduct of his elder brother is illegal and to that effect the petitioner should be protected as his elder brother resides with his father.

Considering the aforesaid submission made by the petitioner, the order dated 15.11.2022 (Annexure-1) requires to be interfered by this Court to the extent that the S.D.O., Kahalgaon has proceeded without issuing any notice to the elder brother of the petitioner namely Prem Kumar (Respondent No.6) who has substantial earning from his business and dairy,



is also required to maintain his father more so when his father resides with him.

With the above observation, the present writ petition stands disposed of.

(Purnendu Singh, J)

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