

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7165 of 2024

Nagmani Son of Late Raj Bali Singh Resident of House No.386, Road No.2,
Water Pump, Magistrate Colony, Ashiyana Nagar, P.S.- Rajiv Nagar, District-
Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar Secretariat, Patna.
2. The District Magistrate, Patna.
3. The Senior Superintendent of Police, Patna.
4. The Sub-Divisional Magistrate, Sadar, Patna.
5. The Station House Officer P.S. Kotwali, Patna.
6. The Station House Officer, P.S. Rajiv Nagar. Patna.
7. Mina Devi, Wife of Late Raj Bali Singh, Resident of House No. 386 Road No. 2 Water Pump House, Magistrate Colony, Ashiyana Nagar, P.S.- Rajiv Nagar, District- Patna.
8. Ashutosh Kumar, Son of late Raj Bali Singh, Resident of House No. 386 Road No. 2 Water Pump House, Magistrate Colony, Ashiyana Nagar, P.S.- Rajiv Nagar, District- Patna.
9. Abhishek Kumar, Son of Late Raj Bali Singh, Resident of House No. 386 Road No. 2 Water Pump House, Magistrate Colony, Ashiyana Nagar, P.S.- Rajiv Nagar, District- Patna.
10. Kumari Monika, Wife of Prashant Kumar, Daughter of Late Raj Bali Singh Resident of House No. 386 Road No. 2 Water Pump House, Magistrate Colony, Ashiyana Nagar, P.S.- Rajiv Nagar, District- Patna.
11. Upasana Kumari, D/o late Raj Bali Singh, Wife of Atul Kumar, Resident of House No. 386 Road No. 2 Water Pump House, Magistrate Colony, Ashiyana Nagar, P.S.- Rajiv Nagar, District- Patna.
12. Prashant Kumar, Son of Rajendra Singh, Resident of House No. 386 Road No. 2 Water Pump House, Magistrate Colony, Ashiyana Nagar, P.S.- Rajiv Nagar, District- Patna.
13. Atul Kumar, Son of Anil Kumar Singh, Resident of House No. 386 Road No. 2 Water Pump House, Magistrate Colony, Ashiyana Nagar, P.S.- Rajiv Nagar, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Adesh Raj, Advocate
For the Respondent/s : Mr.Government Advocate (9)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-07-2024

1. The present writ petition has been filed seeking the



following relief(s):-

“1. That by way of this writ petition the petitioner has challenged the impugned order dated 02.03.2024 passed in Miscellaneous Case No.06/2024 by the learned S.D.M. Sadar Patna-cum-Chairman. Authority Committee. Patna Sadar, Patna under section 22 of the Maintenance and Welfare of the Bihar Parents and Senior Citizens Act 2007 whereby and whereunder the respondent authorities I set specially respondent No.4 has illegally passed the impugned order containing as Annexure-P/5 therein that the petitioner has been directed to vacate the house of respondent No.7, the mother of the petitioner within a month and hand over the key of the vacated portion to the respondent No.7 and further the petitioner was strictly warned not to be aggressor to assault, abusive and being bad behaviour otherwise strict coercive step may be taken and thereafter the Thanadhyaksha of the Rajiv Nagar P.S. and the D.S.P., Law and order Kotwali P.S. were directed to comply the provisions under section 22 of the Maintenance and Welfare of the Bihar Parents and Senior Citizens Rules 2012 if any complaint comes by the 1st party.

The respondent No.4 failed to hear the problems of the petitioner as the respondent No.7, mother is in the custody of the two



married sister and their husbands and his two brothers are unmarried and unemployed. The 3rd brother is suffering from acute T.B. disease 'Sessions husbands want to capture the said house and be plotted conspiracy against the petitioner. The impugned order is illegal, arbitrary and unsustainable in the interest of justice and fit to be set aside.'"

2. After some arguments, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the order dated 02.03.2024, passed by the learned Sub-Divisional Magistrate, Sadar, Patna-cum-Chairman, Maintenance Tribunal, in Miscellaneous Case No.06 of 2024, by filing appropriate appeal. Liberty so sought is granted.

3. The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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