

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.3756 of 2017**

Most. Usha Devi wife of Late Shiv Shankar Prasad, resident of Village-  
Parrahi, P.O.- Kansar, P.S.- Belsand, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The Union of India, the Secretary, Ministry of Home Affairs
2. The Secretary, Ministry of Home Affairs, Govt. of India, New Delhi.
3. The Under Secretary, Ministry of Home Affairs, F.F.R. Division, Govt. of India, New Delhi.
4. The State of Bihar.
5. The Chief Secretary, Govt. of Bihar, Patna.
6. The Principal Secretary, Home Special Department, Govt. of Bihar, Patna.
7. The Under Secretary, Home Special Department, Govt. of Bihar, Patna.
8. The District Magistrate, Sitamarhi.
9. The Sub-Divisional Officer, Belsand, District- Sitamarhi.
10. The In-charge Officer, District General Secretary, Sitamarhi.

... .. Respondent/s

**Appearance :**

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| For the Petitioner/s | : | Mr.Hans Lal Kumar, Advocate<br>Mr. Kripa Nand Jha, Advocate     |
| For the State        | : | Mr.Md.Nashrul Hoda Khan,SC-1<br>Mr. Md. Fazle Karim, AC to SC-1 |
| For the U.O.I.       | : | Mr. Ratnesh Kumar, Advocate<br>Mr. Aditya Anand, Advocate       |

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

4      10-07-2024                      The present writ petition has been filed  
seeking the following relief:-

*"1. That, by this writ application the petitioner seeks indulgence of this Hon'ble Court, inter alia for issuance of writ / writs, order / orders, direction/ directions commanding the respondents to grant family pension to the petitioner*



*being 2nd wife of late Shiv Shankar Prasad, the Freedom Fighter under Freedom Fighter Scheme and pay all the arrears to the petitioner after death of late Shiv Shankar Prasad being his sole nominee along with interest at the rate of 12% per annum and cost for harassing the petitioner up to this Hon'ble Court and for any other relief or reliefs to which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."*

2. At the outset, the learned counsel for the respondent-State submits that the petitioner has not submitted all the documents, as has been demanded by the office of the District Magistrate, Sitamarhi vide letter dated 16.12.2015, hence in case the petitioner submits the same, appropriate decision shall definitely be taken by the District Magistrate, Sitamarhi, forthwith.

3. *Per contra*, the learned counsel for the petitioner submits that the petitioner has already deposited the aforesaid documents, as demanded vide letter dated 16.12.2015, nonetheless, she will again submit the same within a period of two weeks from today.



4. Having regard to the facts and circumstances of the case, I grant liberty to the petitioner to submit all the documents demanded vide letter dated 16.12.2015 before the District Magistrate, Sitamarhi, within a period of two weeks from today, whereupon the District Magistrate, Sitamarhi shall take appropriate decision, by passing a reasoned and a speaking order with regard to the entitlement of the petitioner for grant of family pension, by virtue of her claim of being the second wife of late Shiv Shankar Prasad, freedom fighter, within a period of six weeks, thereafter.

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

**(Mohit Kumar Shah, J)**

S.Sb/-

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