

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12541 of 2024

=====

Smt. Chandra Kanti Sharma wife of Late Kamal Nayan Sharma, resident of House No.- 15, Road No.- 16, Bank Colony, Patel Nagar, Patna, Bihar-800023.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Home, Government of Bihar, Patna.
3. The Commissioner, Patna Division, Patna.
4. The District Magistrate, Patna.
5. The Sub-Divisional Officer-cum-The Chairperson of Tribunal for Maintenance, and Welfare of Parents and Senior Citizens, Patna, Bihar.
6. The Block Development Officer, Patna.
7. The Director General of Police, Bihar, Patna.
8. The Inspector General of Police, Patna.
9. The Superintendent of Police, Patna.
10. The Deputy Superintendent of Police, Sachiwalya Patna.
11. The SHO, Shastri Nagar P.S. Shastri Nagar, Patna.
12. Sachin Kumar, son of Late Sri Kamal Nayan Sharma, residing at House No.- 15, Road No.- 16, Bank Colony, Patel Nagar, Patna, Bihar- 800023.
13. Punita Kumari, wife of Sachin Kumar, residing at, House No.- 15, Road No.- 16, Bank Colony, Patel Nagar, Patna, Bihar- 800023.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Ghanshyam, Adv.
For the State	:	Mr. N.H.Khan, SC-1
		Mr. Md. Irshad, AC to SC-1
		Mr. Chandra Shekhar Singh, DM, Patna.

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 3 11-09-2024 At the outset, the learned counsel for the Respondent-State seeks to file a counter affidavit, copy whereof has already been filed online. Let the same be kept on record.
2. The present writ petition has been filed seeking the following reliefs:-



“1(A). To issue a writ in the nature of mandamus directing and commanding the Respondent authorities to ensure compliance of order dated 01.07.2023, passed by the Respondent no. 5, the SDO, Patna Sadar, and hand over the possession of the petitioner's house to the petitioner from which she has been driven away by her own son and daughter-in-law.

(B). To issue a writ in the nature of mandamus, directing and commanding the Respondents to take reasonable steps so as to save the life and property of the petitioner from the private Respondents.”

3. The learned District Magistrate, Patna, is present in the Court and has submitted that now steps have been taken for compliance of the order dated 3.7.2023, passed by the Sub-Divisional Officer, Patna Sadar-cum-Chairman, Maintenance Tribunal, in Case No. 40 of 2023 and the petitioner will be accommodated in the ground floor of the premises in question today itself.

4. At this juncture, the learned counsel appearing for the private Respondents No. 12 and 13 submits that the proceedings of the pending appeal i.e. Appeal No. 12 of 2023 be expedited and in case, they get a favourable result in the pending appeal and the same is allowed, the District Magistrate, Patna be



directed to restore the previous position.

5. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the learned District Magistrate, Patna, to dispose off the aforesaid Maintenance appeal No. 12 of 2023, by passing a reasoned and a speaking order, in accordance with law, within a period of four weeks from today and in case, any favourable decision is rendered in favour of the private Respondents No. 12 and 13, the earlier position with regard to the premises in question shall be restored.

6. Accordingly, the present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

Ajay/-

U			
---	--	--	--

