

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1609 of 2023

Arising Out of PS. Case No.- Year-0 Thana- District- Saran

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Urmila Singh, Wife of Late Dharmanath Singh, Resident of Village And P.O.-
Pirauta Khash, P.S. Baniapur, Dist. Saran At Chapra

... .. Petitioner

Versus

1. The State of Bihar through its Principal Secretary, Department of Social Welfare, Govt. of Bihar
2. The District Magistrate, Saran At Chapra.
3. The Superintendent Of Police, Saran At Chapra.
4. The Station House Officer, Muffasil Chapra Police Station, Dist. Saran.
5. Sanjay Kumar Singh, S/O Late Dharmanath Singh R/O Village And P.O.- Pirauta Khash, P.S. Baniapur, Dist. Saran At Chapra (Working As Teacher)
6. Rekha Sinha W/O Sanjay Kumar Singh R/O Village And P.O.- Pirauta Khash, P.S. Baniapur, Dist. Saran At Chapra (Working As Anganbari Sevika)

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Anil Kumar Tiwary, Advocate
For the Respondents	:	Mr. Sunil Kumar Mandal, SC-3
		Ms. Neelam Kumari, AC to SC-3

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-01-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The petitioner in this case is a widow senior citizen
who has approached this Court seeking the following reliefs:-

“(i) To direct and command the respondent
authorities to provide/put the physical
possession of the entire residential
house/property situated at Shaktinagar,
Chapra to the petitioner forthwith by ousted
the respondent No.5 and 6 with family from
the said house of the petitioner which has
been illegally and forcefully occupied by



same without wish of the petitioner.

(ii) To direct and command the concerned official respondents to provide adequate protection for the petitioner's house in question from the Respondent No.5 and 6 to live and lead the normal life.

(iii) To direct and command the concerned official respondents to take appropriate and suitable action under the law against the private Respondent No.5 and 6 considering the application represented before them for taking necessary action to vacate the house in question.

(iv) To direct and command the concerned respondent authorities to ensure that old petitioner maintains herself out of her own earning to live/lead normal life with peace, security and dignity without hindrance/obstacle of the respondent No.5 and 6.

(v) To direct and command the concerned respondent authorities to restrain the respondent No.5 and 6 not to interfering with peaceful life of old age widow petitioner who has been suffering severe ailment.

(vi) To pass such other order or orders in the shape of a consequential relief to which the petitioner may be found legally entitled to in the facts and circumstances of the instant case as prayed by old widow petitioner.”

3. Learned counsel for the petitioner submits that the petitioner has retired as a Regular Teacher from Girls Primary



School, Pirauta Khas, Baniyapur, District- Saran on 31.03.2009. Her husband was also an employee of Land Development Bank, Saran and after retirement he died in the year 2018. During their service period, they had acquired a piece of land from their self source of income and constructed a house thereon.

4. The grievance of the petitioner is that after demise of her husband, the intention of her elder son and daughter-in-law who are respondent nos. 5 and 6 changed and they are looking to ignore the younger son of the petitioner as well as the petitioner. It is stated that respondent nos. 5 and 6 have illegally possessed the entire house and they are indulged in ill treatment of the petitioner, therefore, the petitioner has right under the Maintenance and Welfare of the Parents and Senior Citizen Act, 2007 (hereinafter referred to as the 'Act of 2007') to evict her son from her property. It is submitted that the respondent nos. 5 and 6 have forcibly and illegally taken possession of her constructed house and she is not allowed to enter into the said house.

5. Learned counsel submits that the petitioner has made an application before the Muffasil Police Station and also submitted her complaint to the District Magistrate, Saran at Chapra, copies of which are enclosed as Annexure 'P-1' and P-



2' series respectively.

6. Learned counsel further submits that the petitioner has submitted a complaint with the Public Grievance Redressal Wing of the Office of Superintendent of Police, Saran, Chapra on 17.08.2023 which is part of Annexure 'P-2' series to the writ application but despite all these efforts taken by the petitioner, the authorities concerned are not taking appropriate action.

7. Learned counsel for the State submits that the petitioner has herself contended that she has a remedy under the Act of 2007, therefore, she should have been better advised to move before the appropriate forum under the Act of 2007. It is, however, submitted that so far as the allegation of harassment and ouster of the petitioner from the house are concerned, appropriate direction may be given to the District Magistrate and Superintendent of Police, Saran at Chapra to look into the grievance of the petitioner and redress the same to all the possible extent in accordance with law.

8. Having regard to the facts and circumstances of the case and the submissions noticed hereinabove, this Court directs the District Magistrate and the Superintendent of Police, Saran at Chapra to examine the grievance of the petitioner immediately and in any case within two weeks from the date of



receipt/production of a copy of this order, hear the parties and take appropriate steps/measure to ensure that the petitioner who is a widow senior citizen is not harassed. All such measures which are required to protect her from harassment must be taken by these authorities.

9. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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