

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21652 of 2018

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Sheo Shankar Thakur S/o Late Ram Naresh Singh, Vill- Malinagar, P.O.-
Malinagar, Via- Pusa, Distt- Samastipur- 848125.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. District Magistrate, District Collectorate, Samastipur- 848101.
3. Superintendent of Police, Samastipur- 848101.
4. Sub-Divisional Magistrate-cum-Chairman, Sub-Divisional Maintenance Tribunal, Court Compound, Samast
5. Secretary, Social Welfare Department, Patna, Bihar.
6. Smt. Usha Kumari, W/o Shree Sardendu Chaudhary, Village- Dholi, P.O.- Dholi Muraul, Distt- Muzaffarpur- 843105.
7. Shri Mrityunjay Kumar, S/o Sardendu Chaudhary, Malinagar Thahra, P.O.- Malinagar, Via- Pusa, Distt- Samastipur- 848125.

... .. Respondent/s

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Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr. Divya Verma, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-10-2025 On one appears on behalf of the petitioner though State

is present.

2. The present application has been preferred for the

following relief(s):

*(a) to issue notices to Respondent
No: 5 and 6 to file their counter affidavit
because without their affidavit the
adjudication of this petition would remain
inconclusive;*

*(b) to pass an appropriate writ,
order and direction in the nature of mandamus
directing Respondent No: 1 to bring clarity in
the provisions of the said Rules to ensure the*



intent of Sec. 22(2) of the said Act towards formulating the 'comprehensive' plan for providing protection of life and property of the senior citizens;

(c) to pass an appropriate writ, order, direction in the nature of Mandamus directing the Maintenance Sub-divisional Tribunal, Samastipur to provide the case records of the case No: Janmal 1/17 to this Honble Court;

(d) to pass an appropriate writ, order and direction in the nature of Mandamus directing Respondent No: 2 & 3 to act according to the provisions of law and perform their special duties and responsibilities assigned to them under Rule 21 and 22 of the said Rules;

(e) to pass an appropriate writ, orders and direction calling upon the Respondent 2,3,5 & 6 to restore petitioner's house to him immediately with vacant position;

(f) to pass an appropriate order directing Respondent No: 4 to enquire into the veracity and conduct of the member of the Sub-divisional Maintenance Tribunal, Samastipur, namely Shri Shiv Ram Chaudhary as being a public servant;

(g) to pass an appropriate writ and/or order binding Respondent No: 6 through Respondent No:3 to stop hence forth



his act of intimidation towards the petitioner and his wife.

(h) to pass such further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of this case.

3. It has been pointed out by the learned State Counsel that it is actually a civil dispute between the petitioner and the respondent nos. 6 and 7 who are related to the petitioner's in-laws through his wife.

4. The submission is that the proper recourse should have been to approach the Sub-Divisional Magistrate/Competent Civil Court for the redressal of the grievance.

5. This Court is in full agreement with the submissions put forward by the learned counsel for the State.

6. However, since there is no appearance, granting liberty to the petitioner to approach the appropriate authority/competent Court for the redressal of the grievance, the writ petition is dismissed for non-prosecution.

7. I.A., if any, also stands disposed of.

(Rajiv Roy, J)

Vijay Singh/-

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