

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2132 of 2019

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Jagannath Jha S/o Late Raj Narayan Jha Vill.-Bhavanipur, Ps.-Sakari, Distt.-
Madhubani

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary Home (Police),
Department, Government of Bihar, Patna
2. The Principal Secretary, Home (Police) Department, Govt. of Bihar, Patna
3. The District Magistrate Madhubani
4. The Superintendent of Police Madhubani
5. The Sub Divisional Officer Sadar, Madhubani
6. The Competent Authority-cum-Deputy Collector Land Reforms, Madhubani
7. The Circle Officer Pandaul, Distt.-Madhubani
8. Mahendra Saday S/o Late Lakhan Saday Vill.-Bhavanipur, Ps.-Sakari,
Distt.-Madhubani
9. Gonour Saday S/o Late Gulten Saday Vill.-Bhavanipur, Ps.-Sakari, Distt.-
Madhubani

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vaidehi Raman Prasad Singh, Advocate
For the State	:	Mr. Md. Fazle Karim (AC to SC-1)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 10-07-2025

Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for
directing the respondents to get the land of the petitioner cleared
from illegal possession of respondents nos.8 to 9 and other
members of their community and to get the possession of the
petitioner restored over his land after evicting respondent nos.8



to 9 and other members of their community from the land in question.

3. Learned counsel for the petitioner submits that the petitioner is a senior citizen and now aged about 88 years, but at the time of filing this writ petition, he was 82 years. Counsel submits that the order was in favour of the petitioner passed by the B.L.D.R in Case No.170/2011-12 which is annexed as Annexure-1. Counsel submits that in the light of the said order, authorities used to measure the land and bifurcate, but again the private respondents used to disturb and put flag (*jhanda*) on the petitioner's land. Counsel submits that the petitioner has again moved before this Hon'ble Court in C.W.J.C. No. 23716 of 2013 in which *vide* order dated 15.07.2016, order was passed in favour of the petitioner. But, few days after compliance of order made in Annexure-1, again the private respondents started disturbing the petitioner. Counsel further submits that *vide* Annexure-4, the Circle Officer has demanded the police protection, but even then, the order could not be complied with.

4. Learned counsel for the petitioner has raised provision of law as mentioned in section 31 of the Bihar Police Act, 2007 where role, function and duty of police has been defined. He submits that under section 31(a) of the Bihar Police



Act, 2007, it is the duty of the police to follow law and implement them in a fair manner and protect the life, liberty, property and the human rights along with the dignity of the public.

5. Learned counsel for the State submits that since, the order is in favour of the petitioner, therefore, with a view to maintain the law of the land, protection should be granted to the petitioner. Counsel further submits that the power of execution is also vested to the B.L.D.R.

6. It transpires to this Court that the petitioner is a senior citizen of the State and the State has already framed a law for senior citizens in which responsibility has been casted upon the police and the District Magistrate to look after and protect the senior citizen's life and property, namely Bihar Maintenance & Welfare of Parents & Senior Citizens Rules, 2012 whose Clause 22 is very much relevant which deals with Action plan for the protection of life and property of Senior Citizens which states as follows:-

“22. Action plan for the protection of life and property of Senior Citizens.

(1) The District Superintendent of Police and in the case of cities having a Police Commissioner, such Police Commissioner shall take all necessary steps, subject to such



guidelines as the Government may issue from time to time for the protection of life and property of senior citizens.

(2) Without prejudice to the generality of sub-rule (1):

(i) each police station shall maintain an up-to-date list of senior citizens living within its jurisdiction, especially those who are living by themselves (i.e. without there being any member in their household who is not a senior citizen);

(ii) a representative of the police station together as far as possible, with a social worker or volunteer, shall visit such senior citizens at regular intervals of at least once a month, and shall, in addition, visit them as quickly as possible on receipt of a request of assistance from them;

(iii) complaints/problems of senior citizens shall be promptly attended to, by the local Police;

(iv) one or more Volunteers' Committee(s) shall be formed for each Police Station which shall ensure regular contact between the senior citizens, especially those living by themselves, on the one hand, and the police and the district administration on the other;



(v) the District Superintendent of Police or, the Police Commissioner as the case may be, shall cause to be publicized widely in the media and through the Police Stations, at regular intervals, the steps being taken for the protection of life and property of senior citizens;

(vi) each Police Station shall maintain a separate Register containing all important particulars relating to offences committed against Senior Citizens as in Annexure IV;

(vii) the Register referred to in clause (vi) shall be kept available for public inspection, and every officer inspecting a Police Station shall invariably review the status as entered in the Register;

(viii) the Police Station shall send a monthly report of such crimes to the District Superintendent of Police by the 10th of every month;

(ix) list of Do's and Don'ts to be followed by senior citizens, in the interest of their safety will be widely publicized;

(x) antecedents of domestic servants and others working for senior citizens shall be promptly verified, on the request of such citizens;



(xi) community policing for the security of senior citizens will be undertaken in conjunction with citizens living in the neighborhood, Residents' Welfare Associations, Youth Volunteers, Non-Government Organizations, etc;

(xii) the District Superintendent of Police shall submit to the Director General of Police and to the District Magistrate, a monthly report by the 20th of every month, about the status of crimes against senior citizens during the previous month, including progress of investigation and prosecution of registered offences, and preventive steps taken during the month, as in Annexure V;

(xiii) the District Magistrate shall cause the report to be placed before the District level Committee constituted under rule 24;

(xiv) The Director General of Police shall cause the reports submitted under clause

(xii) to be compiled, once a quarter, and shall submit them to the Government every quarter as well as every year for, inter-alia, being placed before the State Council of Senior Citizens constituted under rule 23.”

7. In the light of the aforementioned law which is



framed by the State of Bihar, liberty is hereby granted to the petitioner to file an application before the Superintendent of Police, Madhubani (Respondent no.4) under the Bihar Maintenance & Welfare of Parents & Senior Citizens Rules, 2012 and the Superintendent of Police, Madhubani with the help of Circle Officer is directed to implement the decision made in Annexure-1 once again and directs the SHO of the concerned police station to take responsibility as mentioned in the light of aforementioned law.

8. Accordingly with the aforesaid direction, this writ petition stands disposed off.

(Dr. Anshuman, J)

Divyansh/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	14/07/2025
Transmission Date	NA

