

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2748 of 2025

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1. Mohammad Inam Murtaza Son of Late Md. Gulam Murtaza resident of Mohalla-Sherpur, Town Biharsharif, P.O and P.S-Biharsharif, District-Nalanda.
 2. Mohammad Afzal Murtaza, Son of Late Md.Gulam Murtaza resident of Mohalla-Sherpur, Town Biharsharif, P.O and P.S-Biharsharif, District-Nalanda.
 3. Alsaba Inam Wife of Md. Inam Murtaza, resident of Mohalla-Sherpur, Town Biharsharif, P.O and P.S-Biharsharif, District-Nalanda.
 4. Shahina Afjal Wife of Md. Afzal Murtaza resident of Mohalla-Sherpur, Town Biharsharif, P.O and P.S-Biharsharif, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Collector-cum-Presiding Officer, Maintenance Appellate Tribunal, Biharsharif.
3. The Sub-Divisional Officer, Biharsharif (Nalanda)-cum-Mother/Father Maintenance Tribunal, Biharsharif.
4. The Collector, Biharsharif, District-Nalanda at Biharsharif.
5. The Sub-Divisional Officer, Biharsharif, District-Nalanda at Biharsharif
6. The Circle Officer, Biharsharif, District-Nalanda at Biharsharif.
7. The Station House Officer, Lahiri, District-Nalanda at Biharsharif.
8. Ishrat Bano Wife of Late Md. Gulam Murtaza Resident of Mohalla-Sherpur, Town Biharsharif, PO and PS-Biharsharif, District-Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dinu Kumar, Sr. Advocate
Ms. Rupali
For the Respondent/s : Mr. Durjati Kr. Prasad, GP-14

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 24-02-2025 1. Heard learned Senior counsel for the petitioners
and learned GP-14, Mr. Durjati Kumar Prasad.
2. The learned counsel appearing on behalf of the



State, at the outset, submits that petitioners have an alternative remedy against the order impugned in the instant writ application before the Collector. It is also submitted that petitioners have already moved in appeal before the Collector and have also challenged the order impugned in the instant writ application on the ground that by the order impugned in the instant writ application, the petitioners who are sons and daughter-in-laws of respondent no. 8 have been directed by the SDO, Biharsharif, Nalanda to vacate the premises within 15 days by an order dated 09.01.2025 in Case No. 33 of 2024 passed under Section 9 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

3. The learned counsel appearing on behalf of the State next submits that petitioners are already availing their alternative remedy of appeal before the Collector, Biharsharif at Nalanda and at the same time have filed the instant writ application, it is thus submitted that parallel proceedings cannot continue.

4. The learned Senior counsel appearing on behalf of the petitioners is not in a position to rebut the said submission of the learned counsel appearing on behalf of the State, but then submits that since the appeal of the petitioners



is pending before the Collector for consideration, but then Collector has fixed the next date of hearing on 11.04.2025 and the SDO, Biharsharif at Nalanda is threatening the petitioners to vacate the premises in pursuance of the order dated 09.01.2025 passed in Case No. 33 of 2024, on which the learned counsel appearing on behalf of the State submits that from perusal of the pleadings made in the writ application, it would manifest that the property in dispute was in the name of the father of the petitioners and the father of the petitioners being aggrieved by the conduct of the petitioners i.e. his sons and daughter-in-laws made a Will in name of his wife i.e. respondent no. 8, Ishrat Bano, mother of the petitioner nos. 1 and 2 and the petitioners despite staying in the same house where their mother is staying are not maintaining her as such, the mother had no option but to move before the Court of the SDO, Biharsharif at Nalanda seeking relief based on which order impugned came to be passed.

5. The learned State counsel next submits that petitioners can move before the Collector seeking stay of the order if they are being pressurized by the SDO, Biharsharif for evicting the premises.

6. After hearing the learned counsel for the parties,



the Court finds no merit in the writ application, **accordingly**
the writ application is dismissed.

(Satyavrat Verma, J)

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