

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.61 of 2018

Arising Out of PS. Case No.- Year-1111 Thana- District-

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Shishir Kumar, S/o Nand Kishore Singh, R/o S.D.O. Road, near S.P. Kothi,
Sahajadpur Andarkila, P.S.- Town, District- Hajipur Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Department Of Home, Bihar, Patna
2. The District Magistrate, Vaishali,
3. The Suprintendent of Police, Vaishali.
4. The Officer Incharge, Town and P.S., Hajipur.
5. Santosh Kumar @ Lalan Dubey S/o Not Known, R/o S.D.O. road , near S.P. Kothi, P.S.- Town, District- Hajipur Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ravi Bhardwaj, Advocate
For the State	:	Md. Irshad,
For the Resp. No. 5	:	Mr. Santosh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

4 19-08-2025 The present Criminal Writ Petition has been preferred against the respondents seeking writ of mandamus to the official respondents to restrain the private respondent from causing any nuisance on the plot of the petitioner, situated at Khata No. 80, Khesra No. 170, Rakwa 7.5 decimal, belonging to his son, Bhanu Sinha.

2. I heard learned counsel for the petitioner on the point of maintainability of the present petition.

3. Learned counsel for the petitioner submits that the



petitioner is an old citizen and he is living at the premises as mentioned above and facing nuisance from the private respondent/Santosh Kumar @ Lalan Dubey. He further submits that the petitioner has filed this petition in view of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, under which the official respondents viz., District Magistrate, Superintendent of Police and Officer-in-charge of the Police Station are duty bound to protect the life and property of the senior citizens.

4. In my considered view, the present writ petition is completely misconceived. It is surprising how this writ petition has been running for the last seven years, since 2018.

5. In view of the alleged facts and circumstances, the petitioner has remedy to approach Civil Court for permanent injunction against the private respondent, who was creating nuisance to the petitioner. At most, the petitioner could have approached the State officials under Cr.PC for taking preventive measures against the private respondent. But no way, this writ petition is maintainable.

6. I think that the petitioner has misconceived the object of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007. This Act does not create any alternative



forum for redressal of the civil and criminal disputes of the senior citizens. In fact, this writ petition is liable to be dismissed with heavy cost. However, I am refraining from imposing any cost.

7. Accordingly, the present writ petition is dismissed as not maintainable.

8. The petitioner is at liberty to move Civil Court or Criminal Court or even State officials with appropriate petition under our civil and criminal law.

(Jitendra Kumar, J)

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