

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2856 of 2025

Shankar Singh Son of Late Ram Bahadur Singh Resident Of Village- Ruphari,
P.O.- Kapurpakari, P.S.-Shikarganj, District- East Champaran, Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Social Welfare, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Home, Govt. of Bihar, Patna.
3. The Director General of Police, Govt. of Bihar, Patna.
4. The Director, Directorate of Social Welfare, Govt. of Bihar, Patna.
5. The District Magistrate, East Champaran, Motihari.
6. The Superintendent of Police, East Champaran, Motihari.
7. The Deputy Superintendent of Police, Shikarhana, Dhaka, District-East Champaran, Motihari.
8. The Sub-Divisional Magistrate, Shikarhana, Dhaka, District-East Champaran, Motihari.
9. The Officer-in-Charge, Shikarhana, Police Station, District-East Champaran, Motihari.
10. Vevek Kumar Singh Son of Shankar Singh Resident of Village-Rupahari, P.O.-Kapurpakari, P.S.-Shikarganj, District-East Champaran, Motihari.
11. Vikash Kumar Singh Son of Shankar Singh Resident of Village-Rupahari, P.O.-Kapurpakari, P.S.-Shikarganj, District-East Champaran, Motihari. at Present Residing in Mohalla-Khuda Nagar, Near Shivajee Temple, P.O. and P.S.-Motiahri, District-East Champaran, Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ram Nibash Prasad
For the Respondent/s	:	Mr. Government Advocate (03)
For Respondent No. 11	:	Mr. Mahesh Kumar Suman

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 7 14-07-2025 1. Heard learned counsel for the petitioner, learned
AC to GA-3 and the learned counsel appearing on behalf of the
respondent nos. 10 and 11.
2. The learned counsel appearing on behalf of the



petitioner submits that petitioner in the instant case is a senior citizen aged about 75 years and is father of respondents nos. 10 and 11. Respondent Nos. 10 and 11 have ousted the petitioner from his home and, thus he was forced to take shelter in an Old Age Home, but from there also he has been evicted and as of date he does not have a place of his own to reside. It is next submitted that petitioner had earlier moved before the SDM, Shikarhana, Dhaka seeking relief against the respondents nos. 10 and 11. It is next submitted that the SDM, Shikarhana, Dhaka, East Champaran passed an order dated 17.08.2023 (Annexure-4), directing the respondents nos. 10 and 11 to take care of the petitioner as recorded in the order dated 17.08.2023. It is submitted that respondent no. 10 was directed to ensure that his father stays in the house and respondent no. 11 was directed to pay a monthly maintenance of Rs. 2,000/- which he was collecting by way of rent.

3. It is submitted that despite order passed by the SDM, Shikarhana, Dhaka, the respondents nos. 10 and 11 have not complied the said order on account of which the petitioner is facing a pitiable condition and had to take refuge in an Old Age Home, namely, Birdhashram Sahara, Bettiah but then from there also the petitioner was evicted. It is submitted that petitioner



does not have a house of his own to stay and thus had to take shelter in the house of his relatives. It is further submitted that in the aforesaid circumstances, the petitioner was compelled to approach this Court seeking relief under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

4. The learned counsel appearing on behalf of the petitioner next submits that the respondent nos. 10 and 11 were not appearing in the case, as such, warrant of arrest was issued against them and the Superintendent of Police, East Champaran, Motihari was directed to ensure their presence before the Court, based on which the respondent nos. 10 and 11 were produced before this Court on 23.06.2025. It is next submitted that the case was taken up on 23.06.2025 and the same was directed to be listed on 14.07.2025 and the respondent nos. 10 and 11 along with the petitioner were directed to remain physically present before this Court.

5. The petitioner and the respondent nos. 10 and 11 are present in the Court.

6. The learned counsel appearing on behalf of the respondent nos. 10 submits that the grievance of the petitioner against him stands redressed, as petitioner now is staying in the house as directed by the SDM, Shikarhama, the petitioner also



does not dispute the said submission of the learned counsel appearing on behalf of the respondent no. 10.

7. The learned counsel appearing on behalf of the respondent no. 11 submits that respondent no. 11 has been paying the rent of Rs. 2,000/- which he was collecting to the petitioner, on query of the Court that whether respondent no. 11 has any materials to substantiate by way of evidence that Rs. 2,000/- was paid to the petitioner, on which the learned counsel appearing on behalf of the respondent no. 11 fairly submits that he does not have any receiving of the petitioner, the petitioner on the other hand submits that the SDM, Shikarhana had passed the order dated 17.08.2023 whereby respondent no. 11 was directed to pay Rs. 2,000/- to the petitioner which he was collecting towards rent, but then respondent no. 11 since 17.08.2023 till date has only paid Rs. 2,000/- and thus vehemently rebuts the submission of the learned counsel appearing on behalf of the respondent no. 11 that respondent no. 11 has been paying an amount of Rs. 2,000/- to the petitioner.

8. The respondent no. 11, who is present in the Court, submits that within a period of two months from today, an amount of Rs. 48,000/- shall be paid to the petitioner and the monthly maintenance as fixed by the SDM, Shikarhana shall be



continued to be paid.

9. After hearing the learned counsel for the parties and also taking into consideration the undertaking given by the respondent nos. 10 and 11 that respondent no. 10 will not oust the petitioner from the house and respondent no. 11 will pay the arrear amount including the current maintenance, the Court is not inclined to proceed any further, **the writ application is, thus, disposed of in terms of the undertaking given by the respondent nos. 10 and 11.**

(Satyavrat Verma, J)

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