

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7940 of 2025

Dr Girijesh Kumar son of Late Indradeo Singh, Resident of Mohalla-
Lakhibag, Manpur, Post- Buniyadganj, Police Station- Mofassil, District-
Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar
2. The District Magistrate, Gaya.
3. The Director General of Police, Bihar.
4. The Senior Superintendent of Police, Gaya
5. The Sub Divisional Officer, Gaya
6. The Officer-in-charge, Mufassil Police Station, Gaya.
7. Sudhanshu Shekher son of Dr. Girijesh Kumar resident of Mohalla-
Lakhibag, Manpur, Post- Buniyadganj, P.S. Mofassil, District- Gaya.
8. Chunni Kumari wife of Sudhanshu Shekher resident of Mohalla- Lakhibag,
Manpur, Post- Buniyadganj, P.S. Mofassil, District- Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Dharendra Pratap Singh, Adv.
For the Respondent/s	:	Mr. K.P. Gupta, GP-10.
		Mr. Satya Vrat, AC to GP-10.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 07-07-2025 1. Heard learned counsel for the petitioner and learned
AC to GP-10 for the State.

2. The learned counsel for the petitioner submits that
petitioner is a senior citizen, aged about 72 years and is
aggrieved by the action of his son and daughter-in-law, who
have created conditions conducive for him to lead a miserable
life. It is next submitted that petitioner, in the circumstances,
moved before the S.D.O., Sadar Gaya in terms of Maintenance



and Welfare of Parents and Senior Citizen Act, 2007 by filing Case No.13/2023 (Annexure-5). It is next submitted that petitioner prior to approaching the S.D.O., Sadar Gaya by filing the aforesaid case, had moved before this Court by filing CWJC No.16211/2022, with a prayer that respondent no.7 (Sudhanshu Shekhar), his son be evicted from his house, which he was occupying forcefully and was also giving threat. The said CWJC No.16211/2022 was disposed of by an order dated 29.03.2023 as the petitioner had sought liberty to approach the authority competent under the Maintenance and Welfare of Parents and Senior Citizen Act, 2007 (Annexure-2). It is submitted that thereafter the petitioner filed the aforesaid case in the Court of S.D.O., Sadar Gaya but then S.D.O., Sadar Gaya sat tight over the matter, as such, the petitioner once again was constrained to move before this Court by filing CWJC No.10275/2023 and the same was disposed of by an order dated 30.11.2023 (Annexure-4), with a direction to the Tribunal to proceed ex-parte against the non-cooperating party i.e. respondent no.7 and 8, further, the Tribunal was also directed to consider the feasibility of passing an interim order during pendency of the aforesaid case i.e. Case No.13/2023.

3. The learned counsel for the petitioner further



submits that in terms of order dated 30.11.2023 in CWJC No.10275/2023, the S.D.O., Sadar Gaya passed an order dated 27.01.2024, wherein it was recorded that if the petitioner seeks the relief of getting his son evicted, in that event, he should move before an appropriate Court of competent civil jurisdiction as such the case was rejected. It is submitted that thereafter the petitioner again moved before this Court by filing CWJC No.5880/2024 and the relief sought was identical to the one sought in CWJC No.16211/2022 but the order passed by the S.D.O., Sadar Gaya was not impugned in CWJC No.5880/2024. The learned counsel submits that during the course of argument in CWJC No.5880/2024, it was brought to the notice of the Court that S.D.O., Sadar Gaya has failed to exercise his jurisdiction, thereafter, liberty was sought to approach the District Magistrate, Gaya for redressal of his grievance, accordingly, CWJC No.5880/2024 was disposed of with a liberty to the petitioner to approach the District Magistrate, Gaya for redressal of his grievance. It is next submitted that in terms of the order dated 29.07.2024 in CWJC No.5880/2024 (Annexure-6), the petitioner filed Miscellaneous Case No.2/2024 on 12.08.2024 in the Court of District Magistrate, Gaya seeking protection and removing the nuisance being



created by his son and daughter-in-law but then the grievance of the petitioner till date has not been redressed and the Misc. Case No.2/2024 is still pending adjudication.

4. The learned counsel for the petitioner next submits that inadvertently in Misc. Case No.2/2024, the order dated 27.01.2024 passed by the S.D.O., Sadar Gaya in Case No.13/2023 was not challenged. It is submitted that supplementary affidavit has been filed in the instant writ application, wherein specific statement has been made that prayer in Miscellaneous case No.2/2024 pending adjudication before the Collector, Gaya has been amended and the order of the S.D.O., Sadar Gaya in Case No.13/2023 has been challenged but then the amendment application is also pending adjudication.

5. The learned State counsel submits that the writ application can be disposed of with a direction to the District Magistrate, Gaya to consider and dispose of the Misc. Case No.2/2024 in accordance with law within a time frame.

6. After hearing the learned counsel for the parties, the writ application is disposed of with a direction to the District Magistrate, Gaya to consider and dispose of the Misc. Case No.2/2024 within a period of four months from the date of



receipt/production of a copy of this order, in accordance with
law, after giving opportunity of hearing to all concerned.

(Satyavrat Verma, J)

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