

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9244 of 2024

Shyama Devi W/o Late Baiju Prasad, R/o Maurya Vihar Colony, near DAV
School Transport Nagar, Kumhrar, P.S. Agam Kuan, Patna - 800026.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna, Bihar.
2. The Additional Chief Secretary, Department of Home, Government of Bihar, Patna, Bihar.
3. The Director General Of Police, Patna, Bihar.
4. The Commissioner, Patna, Bihar.
5. The Collector-cum-District Magistrate, Patna, Bihar.
6. The Senior Superintendent Of Police, District - Patna, Bihar.
7. The Sub-Divisional Officer-cum-Chairman, Tribunal, The Maintenance and Welfare of Parents and Senior Citizens Act, Patna City, District - Patna, Bihar.
8. The Assistant Superintendent of Police, Patna City, District - Patna, Bihar.
9. The Block Development Officer, Patna Sadar (Mob - 9431818000), Concerned Person for execution of order passed in Maintenance case - 23/21 by respondent no - 7.
10. The S.H.O., Agamkuan Police Station, District - Patna, Bihar.
11. Kumar Arya Kartike, S/o Late Baiju Prasad, Resident of Naikpur, PS and PO - Rajgir, District - Nalanda, Bihar.
12. Jyoti Kumari, W/o Kumar Arya Kartike, Resident of Naikpur, PS and PO - Rajgir, District - Nalanda, Bihar.
13. Sonu Kumar, S/o Muneshwar Mahto, Resident of Naikpur, PS and PO - Rajgir, District - Nalanda, Bihar.
14. Muneshwar Mahto, S/o not known, Resident of Naikpur, PS and PO - Rajgir, District - Nalanda, Bihar.
15. Kaushalya Devi, W/o Muneshwar Mahto, Resident of Naikpur, PS and PO - Rajgir, District - Nalanda, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Saket Anand, Advocate
For the Respondent/s : Mr. Standing Counsel 26

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

4 08-08-2025

Heard learned counsel for the petitioner and learned



counsel appearing on behalf of the respondent-State.

2. With the consent of all the parties, this writ application is being disposed of at this stage itself.

3. The present writ application has been filed for granting of following relief :-

(i) For issuance of appropriate writs(s), order (s) or direction(s) in the nature of mandamus or any other writ(s) order(s) directions(s) to the respondent no- 7/Concerned Authorities to enquire into the procedure/manner/steps followed by the respondent no- 9 while executing the order dated 06.02.2024 vide letter no. 347 in connection with Maintenance Case no- 23/21 which was allowed in the favor of petitioner vide order dated 24.05.2023.

(ii) For issuance of appropriate writs(s), order (s) or direction(s) in the nature of mandamus or any other writ(s) order(s) directions(s) of appropriate nature to show-cause the respondent no-9 for his arbitrary, illegal & irrational actions during the execution proceedings on 07.02.2024 in connection with Maintenance Case no- 23/21 which was allowed in the favor of petitioner vide order dated 24.05.2023.

(iii) For issuance of appropriate writs(s), order (s) or direction(s) in the nature of mandamus or any other writ(s) order(s) directions(s) of appropriate nature directing the respondent no-9 and respondent nos- 11,12,13 & 14 to pay the amount of damages in tune of Rs. 10,56,769/-along with Rs. 5,00,000/- (Five Lakhs) as compensation for the losses and mental agony the petitioner has incurred and is incurring till present date



due to the wrong, illegal and irrational execution of the order dated 06.02.2024 vide letter no. 347 in connection with Maintenance Case no-23/21 which was allowed in the favor of petitioner vide order dated 24.05.2023.

(iv) For issuance of any other writ (s) order(s) or direction (s) as the petitioner is entitled to.

4. Learned counsel appearing for the petitioner submits that there is no statutory remedy available to her for seeking the aforesaid reliefs and hence the present writ application has been filed. Learned counsel for the petitioner further submits that for seeking the aforesaid relief, the petitioner has already filed representation before the Commissioner, Patna (Respondent No.4) which is dated 16.03.2024 (Annexure P/7/2) and the same continues to be pending. Learned counsel further submits that she would be satisfied if an appropriate direction is issued by this Court directing the Commissioner, Patna, respondent No.4, to decide the pending representation of the petitioner on merit after giving an opportunity of hearing to the petitioner by passing a reasoned and speaking order.

5. To this prayer being made by learned counsel for the petitioner, the respondent do not have any objection.

6. Considering the nature of prayer made by learned counsel for the petitioner, the present writ application is



disposed of directing the Commissioner, Patna, respondent No.4, to decide the pending representation of the petitioner dated 16.03.2024 (Annexure P7/2) on merit after giving an opportunity of hearing to the petitioner and all other appropriate parties.

7. The entire exercise must be completed within a period of 6 months from the date of passing of this order. Needless to emphasis that the final order passed by the Commissioner, Patna should be a reasoned and speaking order.

8. It is made clear that in case the order passed by the Commissioner goes against the petitioner, the petitioner would be liberty to approach this Court for challenging the same.

9. With the aforesaid observation and direction, the present writ application is disposed of.

10. The pending I.A., if any, shall automatically accordingly disposed of.

(Alok Kumar Sinha, J)

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