

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1588 of 2024

Arising Out of PS. Case No.-30 Year-2024 Thana- ARER District- Madhubani

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Kameshwar Pandey Son of Late Ram Awatar Pandey R/O Vill.- Bichkhana,
P.o. Ektara, P.s.- Arer, Dist.- Madhubani

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat Building, Patna Bihar
2. The Chief Secretary, Government of Bihar, Old Secretariat Building, Patna Bihar
3. The Additional Chief Secretary, Department of Home, Government of Bihar Patna
4. The District Magistrate, Madhubani Bihar
5. The Superintendent of Police, Madhubani Bihar
6. The Sub-Divisional Magistrate, Benipatti, Madhubani Bihar
7. The Officer in Charge, P.s.- Arer, Dist.- Madhubani Bihar
8. Chandeshwar Pandey Son of Late Ram Awatar Pandey R/O Vill.- Bichkhana, P.o. Ektara, P.s.- Arer, Dist.- Madhubani

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jai Vardhan Narayan
For the Respondent/s : Mr. Ajay Behari Sinha, G.A.8

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 03-07-2025 Heard the learned counsel for the petitioner and the

learned counsel for the State.

2. The present writ application has been filed for the

following reliefs:

1). Issuance of directions, orders or writs in the nature of mandamus directing the respondent nos. 1 to 6 to take immediate steps for safety of life of the petitioner as the petitioner has been subjected to complete ouster from his village house and



after that he has to take shelter at other place in spite of all steps taken by the petitioner to approach the District Magistrate, Superintendent of Police and Officer In-Charge Police Station Arer, District Madhubani by filing an application but for an eye wash a F.I.R. bearing Arer P.S. Case No. 30/24 dated 09.03.2024 under Section 341, 323, 379, 386, 504, 506 and 34 IPC was recorded although a title suit bearing Title Suit No. 120/2022 is pending before the Learned Court of Sub-Judge 1st, Benipatti, District Madhubani for disposal of the Suit filed by his own brother Respondent No. 8 as Plaintiff and Petitioner is Defendant No. 1.

ii). Issuance of directions, orders or writs in the nature of mandamus directing the respondent nos. 1 to 6 for placing the petitioner in his own house at village Bichkhana, District Madhubani as well as to get back his possession of gated boundary of the house and other agricultural lands where encroachment has been done by Respondent No. 8 from where he was illegally ousted by Respondent No. 8 Chandeshwar Pandey along with his associates as the petitioner has become a vagabond and he has been living alone hither and thither on account of his son being posted at Lucknow in Central Government Service as Chief Manager, Hindustan Aeronautics Ltd. and at any moment his life may be finished by killing him by his own brother namely Chandeshwar Pandey Respondent No. 8 with the help of his family members and Petitioner is Defendant No. 1 in the



aforesaid Suit in the competent Civil Court.

III). Issuance of directions orders or writs in the nature of mandamus so as to safeguard the life of the Petitioner by deciding the aforesaid Suit in stipulated time as may be fixed up by this Court as there is no way out left for safeguarding the life of the petitioner save.

3. The Sub Judge, Benipatti, Madhubani is directed to dispose of the injunction petition pending in Title Suit No. 120 of 2022 within fifteen days of communication/receipt of a copy of this order.

4. The District Magistrate, Madhubani is directed to dispose of the application filed by the petitioner under Maintenance and Welfare of Parents and Senior Citizens Act, 2007 within two months of communication/receipt of a copy of this order.

5. With the aforesaid observation and direction, this application is disposed of.

(Sandeep Kumar, J)

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