

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15532 of 2025

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Kapildev Prasad Yadav S/o Late Jageshwar Prasad Yadav, Resident of village-
Baluwahi, Ward No 24, Near Bajaj Show Room, Khagaria, PS Khagaria,
District- Khagaria, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate, Khagaria-cum-Presiding Officer, Appellate (Maintenance), Tribunal, Khagaria.
3. The Sub-Divisional Officer, Khagaria cum Chairman, Maintenance Tribunal, Khagaria.
4. The Officer-in-Charge, PS Khagaria, District Khagaria.
5. Pravesh Kumar, S/o Kapil Deo Prasad Yadav, R/o Ward No 24, Near Bajaj Show Room, Baluahi, Khagaria, PS Khagaria, District Khagaria.
6. Pragya Rai, W/o Pravesh Kumar, R/o Ward No 24, Near Bajaj Show Room, Baluahi, Khagaria, PS Khagaria, District Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Nitin Kumar, Adv. Mr. Md. Aatif Iqbal, Adv.
For the Respondent/s	:	Mr. K.P. Gupta, Government Pleader (10) Mr. Anwar Karim, AC to GP 10

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

2 08-12-2025 Without going into the merits or demerits of the case,

the present writ petition is disposed of at the stage of admission

with the consent of both the counsels.

2. The only prayer sought for in the present writ
petition is seeking direction to the Sub-Divisional Officer to
dispose of the representation made by the petitioner.

3. Learned counsel appearing on behalf of the
petitioner submits that the petitioner is an old age person and the



Respondent No. 5 and 6 are his son and daughter-in-law. That the petitioner has made an application to the District Magistrate and the Sub-Divisional Officer (Respondent Nos. 2 and 3 herein) under the Maintenance and Welfare of the Parents and Senior Citizens Act, 2007 seeking eviction of the private respondents from his self acquired property and also the unauthorized tenant and protection to his life and property. However the authorities are not taking any action on the same the learned counsel has drawn the attention of the Court to the applications made by the petitioner (Ext. P/8 and Ext. P/9) to support his case. Learned counsel submits that the application made by the petitioner may be disposed of strictly in accordance with law by fixing a time frame.

4. Per contra, the learned counsel appearing on behalf of the respondents-State submits that as per the provisions of the Act, the Sub-Divisional Officer is the primary authority before whom the application has to be made but in this case the petitioner has sent the same through an E-mail (Ext.P/9). Learned counsel submits that if a fresh application/representation is made, the authority shall consider the same strictly in accordance with law and pass necessary orders.

5. Having regard to the above made submission, the



present writ petition is disposed of granting liberty to the petitioner to give a fresh application/representation to the Respondent No. 3, i.e, the Sub-Divisional Officer within a period of four weeks from today. On such representation being given, the Sub-Divisional Officer shall receive the same and pass necessary orders duly putting the son and daughter-in-law of the petitioner on notice and granting them sufficient time for filing their objections. The authority after receipt of the objections by the Respondent Nos. 5 and 6 or any other interested party shall pass necessary orders strictly in accordance with law as expeditiously as possible preferably within a period of 8 weeks from the date of receipt of the complaint/representation made by the petitioner.

6. It is needless to mention that before passing any order, all the parties shall be given an opportunity of hearing. Any order passed shall be communicated to the parties.

7. With the above directions, the present writ petition stands disposed of.

(A. Abhishek Reddy , J)

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