

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17193 of 2025

1. Mosmat Rajkumari Devi wife of Late Ramashankar Prasad, Resident of mohalla- Vidyadhar, P.S. Khagaria, District- Khagaria at present residing at Janakpuri Apartment Chirachas, District- Bokaro (Jharkhand), PIN -827013.
2. Prakash Chandra Prasad, son of Late Rajendra Prasad, Resident of mohalla- Vidyadhar, PO.-Khagaria, P.S. Khagaria, District- Khagaria. At present City Enclave, North Anandpuri, Patna 800001.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Khagaria.
2. The Divisional Commissioner, Munger Division, Munger.
3. The Collector-cum-District Magistrate, at Khagaria.
4. The Sub-Divisional Officer-cum-Sub-Divisional Magistrate, at Khagaria.
5. The Circle Officer, Khagaria.
6. The Superintendent of Police, Khagaria.
7. The Deputy Superintendent of Police, Khagaria.
8. The Station House Officer/Officer in-charge, Town Thana, Khagaria, P.S. Khagaria, District- Khagaria.
9. Mahesri Yadav @ Mahesh Yadav, son of late Ghoghan Yadav, resident of mohalla- Daan Nagar, P.S. and District- Khagaria.
10. Sanjeev Kumar, Son of Mahesri Yadav, resident of mohalla- Daan Nagar, P.S. and District- Khagaria.
11. Amit Kumar, Son of Mahesri Yadav, resident of mohalla- Daan Nagar, P.S. and District-Khagaria.
12. Sunit Kumar, Son of Mahesri Yadav, resident of mohalla- Daan Nagar, P.S. and District-Khagaria.
13. Nitish Kumar, son of Mahesri Yadav, resident of mohalla- Daan Nagar, P.S. and District-Khagaria.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Choudhary, Sr. Advocate Mr. Ajay Prasad, Advocate Ms. Isha Anu, Advocate
For the Respondent/s	:	Mr. Subhash Pd. Singh, GA (03) Mr. Dilip Kumar, AC to GA (03)
For Respondent No. 9, 11, 12 & 13	:	Mr. Mrityunjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

8 02-07-2026 Heard learned senior counsel for the petitioner,



learned counsel for the State and learned counsel for the respondents.

2. The writ petition has been filed for the following reliefs:-

A. A writ in the nature of certiorari for quashing the order dated 15.07.2025 passed by the learned Collector-cum- District Magistrate, Khagaria in Misc. Case No.09/2024-25 by which the Learned Collector-cum-District Magistrate, Khagaria has disposed of the Misc. Case with observation that this court has no jurisdiction to decide the dispute relating to immovable property between the parties and appropriate civil court can only decide the said dispute. The Id. Collector-cum-District Magistrate has further ordered that as far as security and safety of the petitioner is concerned, Superintendent of Police is directed to take appropriate action after appropriate investigation regarding safety and security of the petitioners.

B. For issuance of a direction to the Superintendent of Police, Respondent No.6, to take necessary action with regard to protection of life of property of the petitioners.

C. For issuance of a direction to the respondent consider the state authorities to representation/petition filed by the petitioners with regard to protection of life and property of the petitioners.

D. For a direction to the respondent no.9 to 13 prohibiting them from entering into the land of the petitioners as well issue a direction to the respondent no.9



to 13 not to make any hindrance as well as not to dispossess as by force from the petitioners bearing Khata No.153, 18, 513, Khesra 1477, Area 6 Khatha 15 Dhur, Thana No.265 which purchases from the father in law of the petitioner no.1 Late Rajendra Prasad and father of the petitioner Late Rajendra Prasad.

E. For issuance of a direction to the respondent no.8, Station House Officer, Town Thana, Khagaria not to allow the respondents no. 9 to 13 to enter into the land of the petitioners during pendency of the writ application.

F. For grant of any other relief/reliefs to which the petitioners may be found entitled to in the facts and circumstances of this case.

G. For any other appropriate writ/writs, order/orders, direction/directions which may be found fit in the facts and circumstances of the case.

3. In view of the order dated 23.06.2026, this matter was adjourned, at the request of learned senior counsel for the petitioner, to file appropriate Interlocutory Application molding the relief sought in the writ petition. And, today, when this matter is called out, the senior counsel has apprised this Court that interlocutory application pursuant to last order has been filed being I.A. No. 02 of 2026 in which the petitioner has sought intervention of this Court seeking quashing of order dated 15.07.2025 passed by learned Collector-cum-District



Magistrate, Khagaria in Misc. Case No. 09/2024-25, whereby the learned Collector-cum-District Magistrate, Khagaria is said to have been disposed of this said miscellaneous case with the observation that the Collector-cum-District Magistrate, Khagaria has no jurisdiction to dispose the issues relating to land / property between the parties and appropriate Civil Court can only decide the said dispute.

4. By way of Interlocutory Application, learned senior counsel invites the attention of this Court to the provisions of Maintenance and Welfare of Parents and Senior Citizens Act, 2007 and submits that the Tribunal, which is said to have been constituted, could have well addressed the grievances of this petitioner and, accordingly this matter may be directed to be adjudicated by the said authority.

5. On the other hand, learned counsel for the State and private respondents, who have also filed their affidavit in this case, does not dispute the stand taken by the learned senior counsel to get his grievances ventilated before the said authority, in terms of the provisions of the aforesaid legislation in accordance with law.

6. Considering the submissions of the parties, this Court directs this petitioner to get his grievances ventilated by



filing a proper application before the authority concerned designated under the said legislation within a period of four weeks time from today and in case such application, with all supportive materials to justify his claim and to get the issues adjudicated, is filed the same shall be adjudicated in terms of the Act.

7. It is expected that by issuing notices to all the concerned, and securing their presence, necessary orders shall be passed, in accordance with law.

8. With the above observation and direction, this instant Writ Petition stands disposed of.

(Ajit Kumar, J)

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