

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 12897 of 2016

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Smt. Indra Sinha, W/o Prabhu Lal Mahto, Resident of Village- Saidpur, Post-
Rahimpur, P.S. Sonapur, Block- Sonapur, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate-cum-District Election Officer, Saran.
3. The Circle Officer, Sonapur, Saran.
4. The Bihar State Election Commission through the Secretary, Bihar Patna.
5. The Bihar State Election Commission, Patna.
6. Sadhu Sah, S/o Late Haribansh Sah, R/o Village- Gheghhta, P.S. Sonpur,
District- Saran.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dr. Uma Shankar Prasad, Sr. Advocate Mr. Prem Prakash Poddar, Advocate
For the SEC	:	Mr. Amit Shrivastava and Mr. Sanjeev Nikesh, Advocates
For the State	:	Mr. Kameshwar Prasad Gupta, G.P. 10
For the Pvt. Respondent	:	Mr. Rajeev Ranjan, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 18-04-2017

Heard learned counsel for the parties.

2. Pursuant to order dated 10.04.2015, the District
Magistrate, Saran, the Additional Collector, Saran as well as the
Circle Officer, Sonapur, Saran are present in Court.

3. Having perused the affidavits filed on their behalf
explaining the circumstances which had persuaded the Court to direct
for their personal appearance, the exercise which was required to be
undertaken by them has finally been completed and in that view of the
matter, the Court would not like to go into the issue as to whether it



was done on time and moreover, they having tendered unconditional and unqualified apology, the Court consigns the issue.

4. Coming to the merits, after some arguments, in view of there being seriously disputed questions of fact coming on record and also during the enquiry conducted by the District officials, learned counsel for the petitioner submitted that he may be permitted to withdraw the writ application with liberty to the petitioner to approach the Civil Court of competent jurisdiction for a declaration with regard to her caste being *Dangi*.

5. In view thereof, the writ petition stands disposed off with liberty aforesaid. The Court would only observe that the petitioner shall be at liberty to produce all materials available with her before the Court concerned, which shall be looked into independently, in accordance with law and also on the basis of evidence which may be adduced before the Court by the respective parties.

6. Interim order dated 18.11.2016 stands vacated.

7. Personal appearance of the officers concerned stands dispensed with.

(Ahsanuddin Amanullah, J.)

P. Kumar

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