

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.426 of 2019

In
Civil Writ Jurisdiction Case No.3704 of 2019

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Lakshmi Prasad Nayak Son of Late Ramyash Nayak Resident of Mohalla-
Adarsh Nagar, Ward No.16, Police Station and District Araria

... .. Appellant/s

Versus

1. The State of Bihar Through the Chief Secretary, Bihar, Patna.
2. The District Magistrate Araria.
3. The D.D.C. Araria.
4. The Sub- Divisional Officer Araria, District Araria.
5. The Additional Director General Indian Adhar Card Tribunal, Zonal Office, Ranchi, 1st floor, R.I.A.D.A, Central Karayal Bhawan, Namkum Industrial Area Near S.T.P.I. Nawadih, Ranchi.
6. The Assistant Director General Camp Office, Patna. Indian Adhar Card Tribunal, Lalit Bhawan, Baily Road, Patna.
7. The Director Gazette, Bihar Patna situated at his office at Guljarbag, District- Patna.
8. Jabintara Khatoon (Daughter of Aatur Rahman) wife of Manjar Alam @ Bhola, @ Jabintara Devi @ Tara devi Wife of Ramprit Rajak (Ex. A.S.I. of Police, Araria), Resident of Village Nagwara, Police Station- Katra, District- Muzaffarpur at present resident of Mohalla Om Nagar, Ward No.8, Police Station and District- Araria.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Rama Nand Poddar, Advocate
For the Respondent/s	:	Mr. Gyan Prakash Ojha, G.A.7
		Mr. Uday Shankar Pandey, A.C. to G.A.-7

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 01-08-2019

Head learned counsel for the appellant.

The appellant claims himself to be a practising lawyer. It appears from the pleadings on record that the 8th respondent



Jabintara Khatoon, daughter of Ataur Rahman, is alleged to be the wife of one Ramprit Rajak, a retired Assistant Sub-Inspector of Police. Jabintara Khatoon is stated to be a tenant in a house which is claimed by the appellant to be under his ownership. A suit for eviction has also been filed.

There are other cases between Jabintara Khatoon and her stated husband Shri Ramprit Rajak and the appellant being a lawyer is stated to have advocated the cause of Jabintara Khatoon.

However, now the dispute is between the 8th respondent and the appellant wherein an Adharcard obtained by the respondent No. 8 depicting the appellant as her husband is the bone of contention between the parties. The appellant submits that such an Adharcard has been obtained by the respondent No. 8 fraudulently. Several other authorities of the administration had made enquiries and had found that the respondent No. 8 is not the wife of the appellant. It is on this basis that the appellant came before this Court by filing the writ petition giving rise to this appeal contending that the issuance of the Adharcard being fraudulent, the same should be directed to be cancelled.

The learned Single Judge has declined to entertain



the petition with the observation that the nature of relief sought can be availed of only by filing a suit before the Civil Court, inasmuch as it involves the declaration about the status of the respondent No. 8 as a wife of the appellant.

Learned counsel for the appellant contends that if a document has been obtained by fraud and has been obtained for some motivated purpose where the administrative authorities themselves have found it to be not correct, then the discretion ought to have been exercised in favour of the appellant for issuing an appropriate direction.

We have considered the submissions raised and we find that this being a disputed question of fact, a writ petition cannot be entertained and to that extent, the conclusion drawn by the learned Single Judge is correct.

So far as other issues relating to marriage or otherwise are concerned, the same cannot be gone into under the writ jurisdiction and, therefore, we are not inclined to interfere with the impugned judgment, but we dispose off the appeal with the observation that if the appellant approaches the concerned competent authority entitled to look into the grievance of a fake or fraudulent Adharcard, including the Adharcard Tribunal, then in that event, the said authority shall look into the grievance of



the appellant and pass an appropriate order.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

Saif/-

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CAV DATE	N.A.
Uploading Date	
Transmission Date	N.A.

