

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14199 of 2022

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Varun Prakash son of Sri Prakash Shroff, Resident of Azad Road, P.O. Chapra, P.S. Chapra Town, District- Saran at Chapra.... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
3. The State Election Commission (Municipality), Sone Bhawan, Birchand Patel Path, Patna through the State Election Commissioner.
4. The State Election Commissioner, The State Election Commission (Municipality), Sone Bhawan, Birchand Patel Path, Patna.
5. The Secretary, The State Election Commissioner (Municipality), Sone Bhawan, Birchand Patel Path, Patna.
6. The District Magistrate-cum-District Election Officer (Municipality), Saran at Chapra, District- Saran at Chapra
7. The Sub-Divisional Officer, Sadar Chapra, District- Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. S. B. K. Mangalam, Advocate Mr.Awnish Kumar, Advocate
For the State	:	Mr.Kinkar Kumar (SC 9) Ms Deepika sharma, AC to SC 9
For the Corporation	:	Mr. Sanjeev Nikesh, Advocate Mr. Girish Pandey, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 28-09-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

- (I) For issuance of an appropriate writ in the nature of **CERTIORARI** for quashing the letter dated 02.09.2022 issued under the signature of the Respondent no.5 and contained in his letter no. 3502 dated 02.09.2022 whereby and where under an instruction has been issued to all the

District Magistrates –cum- District Election Officers of the District that even if a person has given his last child (third child) born after 05.04.2008 in adoption to other under the provisions of Hindu Adoption and Maintenance Act, 1956 , he being the biological father shall be disqualified to contest the Municipal Election under Section 18(1)(m) of the Bihar Municipal Act, 2007.

- (II) For a declaration that since after the adoption of a child ,he is deemed to be a child of his or her adopted father and mother for all the purposes with effect from the date of adoption and from such date all the ties of child in the family of his or her birth shall be deemed to be served and replaced by those created by the adoption in the adoptive family , such persons cannot be declared disqualified to contest the Municipal Election on the ground that he is biological father of the said child.
- (III) For issuance of any other appropriate writ/writs ,order/ orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.

Learned counsel for the petitioner seeks permission to withdraw this petition.

Accordingly, this petition is disposed of as withdrawn.

Interlocutory application(s), if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-Ranjan

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.09.2022
Transmission Date	NA