

**(2016) 05 AHC CK 0156**  
**In the Allahabad High Court**  
**Case No : Writ-C No. 23107 of 2016**

Hare Krishna Singh

APPELLANT

Vs

State of U.P. And 2 Others

RESPONDENT

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**Date of Decision :** 19-05-2016

**Acts Referred:**

Constitution of India, 1950 — Article 226

**Citation :** (2016) 6 ADJ 333 : (2016) 166 AIC 921 : (2016) 5 AllWC 5114 :  
(2016) 117 ALR 741

**Hon'ble Judges :** Pankaj Mithal, J.

**Bench :** Single Bench

**Advocate :** Jalaj Kumar Kushwaha, Advocate, for the Appellant; C.S.C, for the Respondent

**Final Decision :** Dismissed

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## Judgement

Pankaj Mithal, J.— Heard learned counsel for the petitioner and learned Standing Counsel for the respondents.

2. The petitioner was issued a domicile/residential certificate dated 16.2.2012 certifying that he is resident of village Taiyabpur Kamalpur, district Kasganj. This certificate has been cancelled by the impugned order dated 26.6.2013 passed by the Sub-Divisional Magistrate. The appeal of the petitioner against the said order has been dismissed by the Collector vide order dated 29.2.2016.

3. The above two orders have been impugned by the petitioner by filing this writ petition.

4. The submission of learned counsel for the petitioner is that he is originally resident of village Taiyabpur Kamalpur, district Kasganj and, therefore, the authorities below have committed an error in holding that as he is living in Mohalla Mohan Chitragupt Colony/Lavkush Nagar Kasganj his domicile/residential certificate is incorrect.

5. Domicile or residence more or less carry the same meaning, inasmuch as both refer to the permanent home of the person concerned. Domicile is at the international level and the residence is somewhat at a local level. A person is the domicile in the country in which he is considered to have his permanent home. No one can be without a domicile and no one can have two domiciles. The same principle applies at a lower level to the place of residence of a person. Domiciles are broadly domicile of origin and domicile of choice. Domicile of origin prevails until a person acquires domicile of another place. Domicile means a place of permanent home, a place which a person fixes as his habitation for himself and his family with the intention to live there permanently. The place where a person has his home in its ordinary acceptation or a place where he lives is regarded as his place of domicile.

6. A reading of the impugned orders reveals that the domicile of origin of the petitioner is village Taiyabpur Kamalpur, district Kasganj but he had voluntarily started living in Mohalla Mohan Chitragupt Colony in Kasganj. In 2006 he had purchased his own house in Mohalla Lavkush Nagar in Kasganj where he is living since then continuously. He is having his driving license and LPG connection from his address at the city of Kasganj.

7. The aforesaid facts clearly establish beyond doubt that the petitioner has abandoned domicile of origin and has voluntarily adopted Kasganj as the domicile of his choice where he is having his permanent abode and lives with his family.

8. The voter identity card of the petitioner which entitles him to vote in the village in this background is meaningless and can not be regarded as an authentic proof of his present domicile.

9. In view of this the authorities below have rightly held that the petitioner is a permanent resident of city Kasganj and the domicile/residential certificate dated 16.2.2012 was incorrectly issued to him. In fact it was manipulated by the petitioner in order to save his service as Shiksha Mitra.

10. The above finding is a finding of fact and it is not open to be disturbed in exercise of extra ordinary writ jurisdiction of this Court.

11. The writ petition lacks merit and is dismissed.