

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1746 of 2017

In
Civil Writ Jurisdiction Case No.12011 of 2016

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Kaushal Motani Son of Shri Anjani Motani Resident of Mohalla - Jain Tola,
P.S. - Bettiah Town, District - West Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sri Atul Kumar, The Commissioner, Tirhut Division, Muzaffarpur.
3. Sri Lokesh Kumar Singh, The District Magistrate, West Champaran, Bettiah.
4. Sri Raj Mohan Jha, The Arms Magistrate, West Champaran, Bettiah.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ramakant Sharma, Sr. Advocate
		Mr.Lakshmi Kant Sharma
For the Opposite Party/s :		Dr.Anand Kumar, AC to AAG 3

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 18-02-2019 Heard learned counsel for the parties.

Exercising contempt jurisdiction this Court is not inclined to proceed further in the matter, particularly in view of the law laid down by the Supreme Court in the case of *Union of India & Ors. vs. Subedar Devassy PV [(2006) 1 SCC 613]*.

However, liberty shall be available to the petitioner to assail the legality and validity of the decision of the District Magistrate, West Champaran in accordance with law in appropriate proceeding. The order of the Writ Court does not permit the District Magistrate to travel beyond his jurisdiction; he was required to pass the order in accordance with law, and the legality and validity of his order can be looked into by



appropriate authority/court in an appropriate proceeding.

With the aforesaid, this proceeding is dropped and the application stands disposed of.

(Anil Kumar Upadhyay, J)

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