

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1294 of 2014

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Md. Hasib

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S.M. Shabbir Alam

For the Respondent/s : Mr. Gp-24 Anshuman Singh

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 10-12-2015

Heard the learned counsel, Mr. S.M.Shabbir Alam on behalf of the petitioner and the learned counsel, Mr. Siddharth Shankar Pandey, A.C. to G.P.24 on behalf of respondent No.1.

The only grievance of the petitioner is that by the Award dated 23.11.2013 passed by the National Lok Adalat, Araria in Title Suit No.133 of 2009, it has been directed that the Award be registered compulsorily. According to the learned counsel, since the plaintiff has got title which has been recognized by the compromise, the Award requires no registration and for the first time, by the Award, no title is conferred on the plaintiff-petitioner.

Plaint has been annexed as Annexure to this writ application wherein the plaintiff has prayed for declaration of title.

In view of the above facts, the Award passed by the National Lok Adalat cannot be interfered with in exercise of

supervisory jurisdiction under Article 227 of the Constitution of India.

Hon'ble Supreme Court in the case of **Radhey Shyam & Anr. v. Chhabi Nath & Ors., 2015(5) Supreme Court Cases 423** has held that Article 227 of the Constitution vests the High Courts with a power of superintendence which is to be very sparingly exercised to keep tribunal and Courts within the bounds of their authority. Under Article 227, orders of both civil and criminal courts can be examined only in very exceptional cases when manifest miscarriage of justice has been occasioned. Such power, however, is not to be exercised to correct a mistake of fact and of law. This is the view taken by the Supreme Court in (2009) 5 Supreme Court Cases 616 earlier which was referred to larger Bench and larger Bench by this order has confirmed the above position. Now, therefore, even if there is some mistake of law, it cannot be said that by the impugned order, miscarriage of justice has been occasioned and, therefore, in supervisory jurisdiction, the order cannot be interfered with.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Saurabh/-

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