

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13513 of 2015

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Bachcha Pandey & Anr

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur

For the Respondent/s : Mr. N.K. Singh- Sc2

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

- 2 02-12-2015 1. Heard the learned counsel, Mr. Surendra Kishore Thakur, for the petitioner and the learned counsel, Mr. Nawal Kishore Singh, S.C.2, on behalf of the State of Bihar.
2. This application has been filed by the petitioner for a direction to the respondent authorities to provide protection to the decree holder-petitioner in execution of the decree and delivery of possession in favour of the present decree holder.
3. From perusal of the record, it appears that the plaintiff petitioner filed Title Suit No.14 of 1997 against Judgment debtor who is not a party to this application for declaration of title and recovery of possession. The suit was decreed and then the petitioner has filed Execution case No.1 of 2002. The petitioner is praying for the direction against the respondents who are either State of Bihar or the authorities under the State of Bihar.

4. It is settled principle of law that in exercise of supervisory jurisdiction under Article 227 of the Constitution of India, this Court never issues any writ as has been held by the Hon'ble Supreme Court in the case of ***Radhey Shayam Vs. Chabi Nath 2015 (5) SCC 423*** and the High Court exercises supervisory jurisdiction under Article 227 of the Constitution against any order passed by the Civil Court to see as to whether the order passed by the Court below is within the jurisdiction of the Court or not or whether the Court below while passing the order exceeded the jurisdiction or has exercised the jurisdiction in the manner not permitted by law or not. So far the respondents State-authorities are concerned, it is admitted fact that they are not party to the suit. The judgment debtor is not made party in this writ application. In view of the above facts, the petitioner is not entitled to any relief in this writ application. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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