

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4200 of 2014**

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Gyanendra Pd. Yadav @ Shashi Babu

.... .... Petitioner/s

Versus

The State of Bihar & Ors

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Bhanu Pratap Singh

For the Respondent/s : Mr. Gp-8 Manish Kumar

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR**  
**SAHOO**

**ORAL ORDER**

2      13-01-2016      At the very outset, the learned counsel for the petitioner seeks permission to correct the provision of law by adding Article 226 of the Constitution of India. Permission is accorded.

This writ application under Article 226 of the Constitution of India has been filed by the plaintiff petitioner for issuance of writ in the nature of Mandamus directing/ commanding the respondents to dispose of title suit No.377 of 1984 and Misc. Case No.9 of 2001 and the interlocutory application filed in the Misc. case at the earliest.

Heard the learned counsel appearing on behalf of the State.

The Hon'ble Supreme in the case *Shalini Shyam Shetty vs. Rajendra Shankar Patil* 2010 (8) SCC 329 has held that 'a writ petition is a remedy in public law which may be filed by any person but the main respondent should be either the

**Government, Government agencies or State or instrumentalities of the State within the meaning of Article 12.’** In the present case, all the respondents herein are defendant in the suit.

The Hon’ble Supreme Court again in the case of *Radhey Shyam Vs. Chavi Nath 2015 (5) SCC 423* has held that ‘**the Civil Court are not amendable to writ jurisdiction under Article 226 of the Constitution of India under Article 227 also an order of the Court is examined in judicial side.**’

Thus, this writ application is devoid of any merit and accordingly, this writ application under Article 226/227 of the Constitution of India is dismissed.

**(Mungeshwar Sahoo, J)**

Sanjeev/-

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