

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4814 of 2015

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1. Anuradha Devi, wife of Late Gopal Krishna Prasad
2. Manju Devi, daughter of Late Gopal Krishna Prasad
3. Manoj Kumar Bhagat
4. Rajesh Kumar Bhagat null null
5. Mukesh Kumar Manish
6. Rakesh Kumar Raushan,
7. Nilesh Kumar Nirala, All (3 to7) sons of Late Gopal Krishna Prasad All Resident of village - Hajipur, P.S.- Alauli, District- Khagaria at present residing at Main Road Khagaria, Mohalla- Khagariaganj, P.S & District Khagaria,

.... Petitioner/s

Versus

1. Krishna Devi , wife of Om Prakash Gupta,
2. Niraj Gupta
3. Kanhaiya Gupta,
4. Pankaj Gupta,
5. Kamal Gupta @ Pappu
6. Sanjay Gupta All (2 to 6) sons of Om Prakash Gupta
7. Sudhanshu Gupta @ Babloo
8. Subhash Gupta
9. Suan Gupta, All sons of Chhathi Lal Gupta, All resident of Mahatma Gandhi road Hajipur, P.S & district- Khagaria
10. Om Prakash Gupta son of Late Ram Chandra Sah
11. Gautam Gupta, son of Om Prakash Gupta
12. Chhathi Lal Gupta, son of Late Ramchandra Sah
13. Sunil Gupta, son of Chhathi Lal Gupta, All resident of Mahatma Gandhi road, Hajipur, P.S & district- Khagaria

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dronacharya

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

3 27-01-2016

Heard learned counsel for the petitioners.

This application, under Article 227 of the Constitution of India, has been filed by the petitioners for direction to the court below i.e. 2nd Additional District and Sessions Judge, Khagaria, to dispose of Miscellaneous Case No. 01 of 2013 expeditiously.

The Hon'ble Supreme Court in the case of *Radhe Shyam and Another Vs. Chhabi Nath and Others* reported in *2015 (5) SCC* has held that under Article 227 of the Constitution of India, the High Court does not issue a writ. Article 227 of the Constitution vests the High Courts with a power of superintendence which is to be very sparingly exercised to keep the tribunals and courts within the bounds of their authority. Interlocutory orders passed by the courts sub-ordinate to the High Court against which, remedy of revision has been debarred by C.P.C. Amendment Act No. 46 of 1999 are nevertheless open to challenge and continue to be supervised under supervisory jurisdiction of the High Court. Therefore, it is settled principle of law that the orders against which revision are not maintainable that can be examined in supervisory jurisdiction under Article 227 of the Constitution of India. Therefore, in my opinion, the High Court has no jurisdiction to pass over all general directions to the courts below in exercise of supervisory jurisdiction in the manner petitioner claimed in this writ application.

However, the petitioner may address the matter before the court below for expeditious disposal. Accordingly, this writ application is dismissed.

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(Mungeshwar Sahoo, J)