

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6318 of 2015

Sweta Raj & Anr

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Dhananjai Kumar Singh

For the Respondent/s : Mr. R.K. Priyadarshi- Sc32

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 30-03-2016 Heard Mr.Dhananjay Kumar Singh, learned counsel for
the petitioners and Mr. Kundan Kumar,A.C. to S.C.32.

This application under Article 227 of the Constitution of India has been filed by the petitioners for issuance of a writ commanding the respondents to ensure expeditious disposal of Tr. No. 1081 of 2014 arising out of Hajipur Industrial Area P.S.Case No. 545 of 2007, Maintenance Case No. 143 of 2011 under Section 125 Cr.P.C. pending in the Court of learned Principal Judge, Family Court, Hajipur and Misc.Case No. 55 of 2011 arising out of Divorce Case No. 135 of 2007.

The Hon'ble Supreme Court in the case of Shalini Shyam Shetty –v- Rajendra Shankar Patil, (2010) 8 SCC 329, has held that a writ can be issued by the High Court only under Article 226 of the Constitution and by the Supreme Court only under Article 32 of the Constitution. No writ petition can be

moved under Article 227 of the Constitution nor can a writ be issued under Article 227 of the Constitution.

The prayer made in this application under Article 227 of the Constitution, therefore, cannot be granted.

So far issuance of mandamus under Article 226 of the Constitution is concerned, it may be mentioned here that the Supreme Court in the case of Radhey Shyam –v- Chhabi Nath, (2015) 5 SCC 423, has held that the civil courts are not amenable to writ of certiorari. Therefore, this writ application is not maintainable.

This application is, accordingly, dismissed.

(Mungeshwar Sahoo, J)

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