

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16747 of 2015**

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Munshi Mistry

.... .... Petitioner/s

Versus

Govind Mahton & Ors

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Rana Ishwar Chandra

For the Respondent/s : Mr.

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

2 22-06-2016

Heard the learned counsel, Mr. Rana Ishwar Chandra for the petitioner.

This is an application under Article 227 of the Constitution of India praying for issuance of an appropriate writ or direction commanding the Court below to dispose of the Execution Case No.1 of 2004 at the earliest.

The Hon'ble Supreme court in **(2010) 8 Supreme Court Cases 329** has held that the High Court has jurisdiction to issue writ under Article 226 of the Constitution of India. The application under Article 227 of the Constitution of India cannot be termed as a writ application.

It may be mentioned here that the Patna High Court has also amended the rule and now the application under Article 227 are registered as civil miscellaneous cases. So far issuance of writ under Article 226 is concerned, the Hon'ble Supreme Court in the

case of **Radhey Shyam v. Chabi Nath, (2015) 5 Supreme Court Cases 423** has held that the Civil Courts are not amenable to writ jurisdiction.

Thus, this application for the relief claimed is not maintainable and accordingly, it is dismissed. However, the petitioner may raise the issue before the Court concerned.

**(Mungeshwar Sahoo, J)**

Saurabh/-

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