

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6879 of 2015

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Sabra Khatoon

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey

For the Respondent/s : Mr. R.N. Dubey- Aag12

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 31-03-2016 This writ application has been filed for issuance of direction to the respondents from restraining them from dispossessing the appellants from dwelling house during the pendency of the Title Appeal No.18 of 2015 filed by the petitioner.

The private respondents filed suit and the said suit was decreed against which the petitioner have filed Title Appeal No.18 of 2015 which is pending in the Court of District Judge, Gaya. Thereafter, the application under Article 227 has been filed claiming aforesaid relief.

The learned counsel for the State respondent objected on the ground that this writ application under Article 227 is not maintainable.

Admittedly, title suit was decreed by the trial Court and against the trial Court judgment, the petitioner have filed Title

Appeal before the District Judge which is pending for disposal.

In such view of the matter, if so advised, the petitioner may move before the District Judge where the Title Appeal is pending but for that purpose, no injunction can be granted in exercise of supervisory jurisdiction under Article 227 of the Constitution of India.

So far Article 226 is concerned, it is not maintainable as it relates to the private dispute between the parties and the State authorities have got no role to play.

Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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