

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4974 of 2015

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1. Bhrigu Nath Sharan Pandey Son of Late Raghuvir Sharan Pandey R/o-
Village-Pokhara, P/s- Maharajganj, Circle- Maharajganj, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar through the D.M. Siwan.
2. The Circle Officer, Maharajganj, Siwan.
3. The Judge I/C, Civil Court, Siwan.
4. Ananddeo Pandey, son of Late Raghunath Pandey.
5. Adarsh Kumar Pandey, son of Late Hriday Kumar Pandey
6. Anmola Kumari, Daughter of Raghunath Pandey.
7. Sunila Kumari Daughter of Raghunath Pandey.
8. Manoj Pandey
9. Dinbandhu Pandey, both sons of Late Binay Kr. Pandey, 4 to 9 are R/O-
Village- Pokhara, P.S.- Maharajganj, Circle- Maharajganj, District- Siwan
10. Manan Prasad
11. Madan Prasad
12. Mohan Prasad
13. Suresh Prasad 10 to 11 sons of Late Chandrika Nonia, & son of Sathuni
Nonia, 10 to 13 Resident of Village- Ratanpura, P.S.- Maharajganj, District-
Siwan.
14. Ramesh Yadav son of Biran Yadav R/O- Village- Pokhara, P.S.-
Maharajganj, Circle - Maharajganj, District- Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok
For the Respondent/s : Mr. Sc22-Kundan Bahadur Singh

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

- 2 15-03-2016 Heard Md. N. Hoda, learned counsel appearing for
the petitioner.
2. This is an application under Article 226 of the
Constitution of India but at the time of hearing of the this writ
application, learned counsel submitted that the writ application
may be heard treating the same as an application under Article 227

of the Constitution of India. Accordingly, I heard him and also heard the learned counsel appearing for the State-respondents.

3. In this writ application, prayer has been made by the petitioner for issuance of a direction to the learned Munsif No.2, Siwan to dispose of the Execution Case No. 02 of 1996/000105/2014 within the certain stipulated period as the case has been pending since long.

4. In view of the decision of the Hon'ble Supreme Court in the case of *Radhey Shyam Vs. Chabbinath* reported in **2015 (5) SCC 423**, this writ application under 227 of the Constitution of India for the relief claimed is not maintainable. Accordingly, this writ application is dismissed. However, the petitioner may pursue his remedy before the court below and pray for expeditious disposal.

(Mungeshwar Sahoo, J)

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