

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2625 of 2014

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Binod Kumar & Ors

.... Petitioner/s

Versus

Ranjana Devi & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kaushal Kishor

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

3 13-01-2016

Heard learned senior counsel for the petitioners.

This application under Article 227 of the Constitution of India has been filed only for a direction to the Subordinate Judge-V, Muzaffarpur for early disposal of Partition Suit No.144 of 1970 within a particular time frame.

So far the relief claimed in this writ application under Article 227 of the Constitution of India cannot be granted in judicial side. Because it is settled principles of law that under Article 227 orders of the Court can be examined only in very exceptional cases when manifest miscarriage of justice has been occasioned as has been held by the Hon'ble Supreme Court in the case of **Radhey Shyam and another Vs. Chhabi Nath and others, (2009) 5 SCC 616**. It may be mentioned here that this decision doubted the earlier decision of **Surya Deo Rai** case reported in **(2003) 6 SCC 675** and the matter was referred to

larger bench and subsequently this decision i.e. the decision of **Radhey Shyam** has been upheld by the larger bench in the same case reported in **(2015) 5 SCC 423**. In the present case, therefore, in judicial side when there is no order, this Court cannot supervise each and every proceeding before the court below. The petitioners are at liberty to move in the administrative side.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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