

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1363 of 2016**

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Satyam Kumar Bharti

.... Appellant/s

Versus

Rajani Kumari

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ramashish

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

2 16-12-2016 Heard the learned counsel, Mr. Pramod Kumar Singh
for the petitioner.

This application under Article 227 of the Constitution of India has been filed for issuance of a writ in the nature of mandamus or any other appropriate writ/writs, order/orders, direction/directions commanding the Court of Principal Judge, Family Court, Gaya to pass an appropriate order with respect to the petition dated 19.10.2016 filed by the petitioner in Guardianship Case No.7 of 2016.

The Hon'ble Supreme Court in the case of **Radhey Shyam and another v. Chhabi Nath & Ors., (2015) 5 Supreme Court Cases 423** has held that all the courts in the jurisdiction of a High Court are subordinate to it and subject to its control and supervision under Article 227. Control of working of the subordinate courts in dealing with their judicial orders is exercised by way of statutory appellate or revisional powers, or power of



superintendence under Article 227.

In view of this decision, now it becomes clear that the working of the subordinate courts in dealing with their judicial order is subjected to appellate jurisdiction or revisional jurisdiction or superintendence under Article 227 of the Constitution of India. In the present case, no such order is under challenge. Application has been filed under Article 227 for issuance of a writ in the nature of mandamus.

The Hon'ble Supreme Court in the case of **Shalini Shyam Shetty and another v. Rajendra Shankar Patil, (2010) 8 Supreme Court Cases 329** at paragraph 25 clearly held that the power to issue writs underwent a sea change with the coming of the Constitution from 26.01.1950. Now writs can be issued by the High Courts only under Article 226 of the Constitution of India.

So for issuance of writ in the matter of Civil Courts is concerned, the Supreme Court in the case of Radhey Shyam (supra) held that the Civil Courts are not amenable to writ jurisdiction under Article 226 of the Constitution of India.

Thus, in no case in the judicial side, such relief can be granted to the petitioner which is claimed in this civil miscellaneous application. Accordingly, it is dismissed.

Saurabh/-

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(Mungeshwar Sahoo, J)

