

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8563 of 2015

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Sone Lal Choudhary

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satya Narayan Mishra

For the Respondent/s : Mr. Uma Shankar- Gp4

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

3 03-05-2016 Heard the learned counsel for the petitioner and the learned
counsel for the State.

The application under Article 227 of the Constitution of India has been filed for issuance of a direction to Sub Judge-Ist Saharsa to take appropriate action against the Judgment debtor and put the petitioner in the possession of the suit land in Execution Case No.02 of 2011 and to the State official to take necessary steps and comply the order of executing Court.

The Hon'ble Supreme Court in the case of **Shalini Shyam Shetty vs. Rajendra Shankar Patil (2010) 8 SCC 329** has held that **'the writ can be issued by the High Courts only in Article 227 of the Constitution and by the Supreme Court under Article 32 of the Constitution. No writ petition can be moved under Article 227 of the Constitution nor can a writ be issued**

under Article 227 of the Constitution.’ Therefore, for the relief claimed by the petitioner which are all in the nature of writs, this application under Article 227 is not maintainable.

So far Article 226 of the Constitution of India is concerned also, the Hon’ble Supreme Court in the case of *Radhey Shyam Vs. Chavi Nath 2015 (5) SCC 423* has held that **‘the Civil Court are not amendable to writ jurisdiction.’**

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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