

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.241 of 2016**

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Ramesh Singh

.... Appellant/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Purushotam Sharma

For the Respondent/s : Mr. Ga4- Ashok Priyadarshi

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER**

2 05-08-2016

Heard the learned counsel, Mr. Purushotam Sharma for
the petitioner and G.A.13 for the State-respondent.

This application under Article 227 of the Constitution of India has been filed by the petitioner praying for issuance of a writ in the nature of mandamus directing the respondent Nos.1 to 6 for obeying the judgment and decree passed by Munsif, Aurangabad in Title Suit No.197 of 1994.

The Hon'ble Supreme Court in the case of **Shalini Shyam Shetty and another v. Rajendra Shankar Patil, (2010) 8 Supreme Court Cases 329** has held that High Court never issues writ under Article 227 of the Constitution of India.

The Hon'ble Supreme Court in (2015) 5 Supreme Court Cases 423 has held that the Civil Courts are not amenable to writ jurisdiction.

Further, these respondents are not parties to the judgment

and decree of the Civil Court passed in title suit. This High Court is not the Executing Court to execute the decree of the Court below.

Therefore, this civil miscellaneous application is misconceived and frivolous application. Accordingly, it is dismissed.

(Mungeshwar Sahoo, J)

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