

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10729 of 2015

=====

Jitendra Prasad Nayak & Ors

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Shri Krishna Sinha

For the Respondent/s : Mr. Sc31-Pandey S.Sahay

=====

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

3 16-05-2016 Heard learned counsel Mr. K.B. Nath for the

petitioners.

So far the State of Bihar is concerned, it has wrongly

been made party in the writ application.

This application under Articles 226 and 227 of the
Constitution of India has been filed by the petitioners challenging
the compromise decree dated 29.01.2014 passed in Title Suit
No.385 of 2013.

So far Article 226 of the Constitution of India is
concerned, the Hon'ble Supreme Court in the case of **Radhey
Shyam & Anr Vs. Chhabi Nath & Ors (2015) 5 Supreme
Court Cases 423** has held that the Civil Courts are not amenable
to writ jurisdiction. Therefore, merely because writ application has
been labeled as application under Article 226, this Court has no
jurisdiction to issue any writ against the judgment and decree.

So far Article 227 of the Constitution of India is concerned, the petitioners are admittedly not parties to the suit and the suit has been compromised between the parties. In such circumstances, the petitioners, who are strangers to the suit, have no role to play in the compromise decree. If at all it effected right, title and interest of the petitioners with respect to their property, the petitioners may approach before appropriate forum by initiating appropriate proceeding. However, this application under Article 227 challenging the decree passed by the Civil Court is not maintainable.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Harish/-

U			
---	--	--	--