

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18504 of 2013

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Iqbal Matin

.... Petitioner/s

Versus

Ishrat Nasrin & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 25-05-2017 Heard the learned counsel, Mr. Bijay Bhushan Prasad
for the petitioner.

This application under Article 227 of the Constitution of India has been filed by the petitioner for issuance of appropriate writ in the nature of mandamus, commanding upon the Principal Judge, Family Court, Samastipur to proceed with the Guardian Execution Case No.25 of 2010.

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. Therefore, in exercise of jurisdiction under Article 227 of the Constitution of India, no writ of mandamus can be issued.

The Hon'ble Supreme Court in the case of Radhey Shyam v. Chhabi Nath, (2015)5 Supreme Court Cases 423 has



held that the Civil Courts are not amenable to the writ jurisdiction under Article 226 of the Constitution of India.

Thus, the relief prayed for cannot be granted in judicial side by the High Court.

Accordingly, this writ application is dismissed. The petitioner may press his grievance before the executing court for expeditious disposal.

(Mungeshwar Sahoo, J)

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