

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20810 of 2013

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Suresh Kumar

.... Petitioner/s

Versus

Nagendra Kumar Labh & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Santosh Kumar Verma

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 18-09-2017 Heard the learned counsel for the petitioner and the learned
counsel for the respondent.

This application under Article 227 of the Constitution of India has been filed by the petitioner for issuance of a writ in the nature of Mandamus directing the trial Court to dispose of the Eviction Execution case No.2 of 2012.

It may be mentioned here that High Court never issues writ under Article 227 of the Constitution of India. The writ is issued always under Article 226 of the Constitution of India as has been held by the Hon'ble Supreme Court in the case of *Shalini Shyam Shetty vs. Rajendra Shankar Patil (2010)8 SCC329*.

So far the Civil Courts are concerned, the Civil Courts are not amenable to writ jurisdiction of the High Court as has been held by the Hon'ble Supreme Court in the case of *Radhey Shyam Vs. Chavi Nath (2015)(5)SCC423*.



Thus, the relief claimed by the petitioner is not maintainable in judicial side. The petitioner is at liberty to move the High Court in administrative side.

Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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