

Topic: Nature Of The Power Of High Court Under Article 227

Name of the Case: State v. Navjot Sandhu, (2003) 6 SCC 641

Bench: Justice S.N. Variava and Justice Brijesh Kumar

Judgment: Article 227 of the Constitution of India gives the High Court the power of superintendence over all courts and Tribunal throughout the territory in relation to which it exercises its jurisdiction. This jurisdiction cannot be limited or fettered by any act of the state legislature. The supervisory jurisdiction extends to keeping the subordinate tribunal within the limit of their authority. The powers under Article 227 are wide and can be used, to meet the end of justice. They can be used to interfere even with an interlocutory order. However, the power under Article 227 is discretionary power and it is difficult to attribute to an order of the High Court, such a source of power, when the High Court itself does not in terms purports to exercise any discretionary power. It is settled law that this power of judicial superintendence must be exercised sparingly and only to keep subordinate courts and tribunals within the bounds of their authority and not to correct mere errors. Further, where the statute bars exercise of revisional power, it would require very exceptional circumstances to warrant interference in Article 227 since the power of superintendence was not meant to circumvent statutory law.
