

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9553 of 2014

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Pradeep Narayan Singh S/o Late Jugal Singh R/O Village - Narayanpur, P.S. -
Asarganj, District - Munger.

.... Petitioner

Versus

1. The State Bank of India, through its Chairman having its Central office at Bombay
2. The Regional Manager, Regional Business Office, Bhagat Singh Chowk, Munger.
3. The Branch Manager State Bank of India, Asarganj Branch, Munger.
4. The Sub-Divisional Officer-cum-House Controller, Tarapur, Munger.
5. Umesh Prasad Singh.
6. Uday Narayan Singh.
7. Dileep Narayan Singh All sons of Late Jugal Singh R/O Village - Narayanpur, P.S. - Asarganj, District - Munger.

.... Respondents

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Appearance :

For the Petitioner : Mr. Ajay Kumar Singh, Advocate

For the Respondents : Mr. Kaushlendra Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 16-02-2016

Heard learned counsel for the petitioner and learned
counsel for the Respondent Bank.

2. The present writ petition has been filed for a direction
to the Respondent House Controller, Tarapur, Munger; and for a
direction to the Respondent State Bank of India to hand over the
keys of the premises as well as payment of arrears of rent up-to-
date to the petitioner.

3. Learned counsel for the petitioner submits that the



premises in question had been let out by the petitioner's father Sri Jugal Singh to the Respondent Bank and after his demise on 31.05.1993 the Respondent Bank began depositing the rent into the account of the petitioner's mother Smt. Shakuntala Devi. Thereafter, all of a sudden the Bank stopped making payment of the rent from June, 2000 upto the end of the tenancy period in 2001 and the Bank shifted its branch from the premises. Since then, the Respondent Bank has neither paid the arrears of rent, nor handed over the keys to the petitioner nor even deposited the same before the House Controller before whom the Bank filed House Control Case No. 1 of 2001 under Section 19 of the Bihar Building (Lease, Rent and Eviction) Control Act.

4. Learned counsel for the Respondent Bank on the other hand, submits that after the death of Sri Jugal Singh, his widow Smt. Shakuntala Devi used to collect the rent through Banker's Cheques, but the same were not collected by her for the period June, 2000 to January, 2001. The Bank vacated the concerned premises on 31.01.2001 and it appears that after the death of Smt. Shakuntala Devi there was some dispute among her five sons, when one of them Sri Umesh Prasad Singh raised objections with regard to payment of rent. In these circumstances and in view of the doubt harboured by the Bank with regard to the proper

claimant of the rent, the Respondent Bank filed the aforesaid House Control Case No. 1 of 2001. The Respondent Bank has specifically expressed that it has no objection in making payment of arrears of rent for the period from June, 2000 to January, 2001 and handing over the keys to the proper person, which could be done hitherto owing to the issue remaining pending in the House Control Case.

5. Having regard to the stand of the respective parties, the writ petition is disposed of with a direction to the House Controller, Tarapur, Munger (Respondent No. 4) to consider and dispose of House Control Case No. 1 of 2001, if still pending, after grant of opportunity to the parties in accordance with the law, expeditiously and preferably within a period of twelve weeks from the date of receipt/production of a copy of this judgment. Needless to say, the petitioner shall be at liberty to raise his grievances in the said proceeding.

(Vikash Jain, J)

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