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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 08.03.2016
CORAM
THE HONOURBLE MR.JUSTICE B.RAJENDRAN
W.P(MD).No.177 of 2016
and
W.M.P.(MD).Nos.135 and 172 of 2016

R.Kanagaraj ... Petitioner

Vs.

1.The Deputy General Manager,
Indian Bank, Zonal Office,
1/17, GRR Building, II Floor,
Perumalpuram,
Tirunelveli-627 007.

2.The Assistant General Manager,
Indian Bank, Zonal Office,
1/17, GRR Building, II Floor,
Perumalpuram,
Tirunelveli-627 007. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the second respondent vide ZOTVL/DEV/2015-2016 dated 15.10.2015 and the consequential order vide ZOTVL/DEV/2015-2016 dated 19.12.2015 and quash the same and consequently directing the respondents to proceed with the lease in accordance with the lease sanction order dated 17.06.2015.

For petitioner : Mr.D.Shanmugaraja Sethupathi

For Respondents : Mr.B.Rajesh Saravanan
for RR-1 & 2

ORDER

This writ petition has been filed for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the second respondent vide ZOTVL/DEV/2015-2016 dated 15.10.2015 and the consequential order vide ZOTVL/DEV/2015-2016 dated 19.12.2015 and quash the same and consequently direct the respondents to proceed with the lease in accordance with the lease sanction order dated 17.06.2015.

2.After some elaborate arguments, it is made clear that this is purely a contractual dispute. The respondent Bank has entered into a contract with the petitioner relating to taking his premises on lease. But, subsequently, without hearing the petitioner, the contract was cancelled. Cancellation of the contract could arise only for a civil right, for which, the petitioner could only approach the Civil Court.

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3. In view of the same, nothing survives for adjudication in the writ petition. Accordingly, this writ petition is dismissed.

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However, liberty is given to the petitioner to file a civil suit for whatever the remedy he wants including that of damages and for removal of material also. The petitioner will move the Civil Court on or before 18.03.2016. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/
Assistant Registrar(P&A)

/TRUE COPY/

Sub Assistant Registrar(C.S)
Madurai Bench of Madras High Court,
Madurai.

To

1. The Deputy General Manager,
   Indian Bank, Zonal Office,
   1/17, GRR Building, II Floor,
   Perumalpuram,
   Tirunelveli-627 007.

2. The Assistant General Manager,
   Indian Bank, Zonal Office,
   1/17, GRR Building, II Floor,
   Perumalpuram,
   Tirunelveli-627 007.

+1cc to M/S.B.Rajesh Saravanan, Advocate in SR.No.13141
+1cc to M/S.D.Shanmugaraja Sethupathi, Advocate in SR.No.12980

W.P(MD).No.177 of 2016
08.03.2016

vs
PA/GSV-PM/SAR I/10.03.2016/2P/5C (IT)

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