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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 412/2016 and CM No. 2615/2016 (*for directions*)

KARNATAKA BANK LTD.

....Appellant

Through : Mr. R. S. Raju with Ms.
Monika Yadav, Advocates.

Versus

COMMISSIONER OF POLICE & ORS.

.....Respondents

Through : Mr. Peeyoosh Kalra, ASC with
Ms.Sona Babbar, Advocate for
respondents No. 1 & 2/GNCTD.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MS. JUSTICE SANGITA DHINGRA SEHGAL

ORDER

25.07.2016

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1. This appeal is preferred against the order of the learned Single Judge dated 17.06.2016 in W.P.(C) No.5637/2016.

2. The said writ petition was filed by the appellant herein with a prayer to direct the respondent No.1/Commissioner of Police to take steps to provide protection to the officials of the petitioner Bank to take out cash lying in the ATM installed at 82, Ground Floor, Behra Enclave, National Market, Paschim Vihar, New Delhi under panchnama and also to remove ATM and its accessories and fittings so as to install the same in another premises. The learned Single Judge opined that the appropriate course for the petitioner was to avail the civil remedies and obtain orders from the civil

courts and accordingly, disposed of the writ petition with liberty to the petitioner to seek the remedies before the concerned civil court.

3. We have heard the learned counsel for both the parties.

4. The material available on record shows that the appellant/writ petitioner Bank and the respondent No.3 entered into a lease deed on 16.03.2015 for the portion of area measuring 100 Sq. Ft. situated at 82, Behra Enclave, National Market, Paschim Vihar, New Delhi - 110084, for a period of ten (10) years for the purpose of Automated Teller Machine (ATM) of the appellant Bank. However, the lease was terminated on 30.04.2016. It is the case of the appellant/writ petitioner that on 24.05.2016, when the Bank officials went for cash audit, the landlady warned them of dire consequences and stopped them from taking any items from the ATM cabin. It was alleged in the writ petition that though the matter was reported to the concerned SHO as well as the senior police officials, no action was taken to provide the Bank protection to take out the cash lying in the ATM and to shift the same elsewhere.

5. On the face of it, the appellant/writ petitioner seeks to enforce the rights and obligations arising out of a non-statutory contract. Therefore, the appellant/petitioner cannot invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India for redressal of its grievance. Hence, the learned Single Judge has rightly left it open to the appellant/petitioner to seek remedies before the competent court of civil

jurisdiction. We do not find any justifiable reason to interfere with the said order.

6. The appeal is accordingly dismissed. However, the appellant is at liberty to work out the other remedies available under law.

CHIEF JUSTICE

SANGITA DHINGRA SEHGAL, J.

JULY 25, 2016
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