

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.186 of 2016

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Dr. Balram Prasad Singh, son of Late Mahabir Prasad, resident of Village & P.O. Bhaishwan, Police Station- Masaurhi, District- Patna

.... Petitioner/s

Versus

1. The State Bank of India, through its Zonal Manager, Zonal Office-3, Jeevan Deep Building, Exhibition Road, P.S. Gandhi Maidan, District- Patna
2. The Assistant Manager, Region-II, State Bank of India, Comma Complex, Frazer Road, P.S. Kotwali, District Patna
3. The Branch Manager, State Bank of India, Bhaishwan Branch, P.S. Masaurhi, District- Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Upendra Prasad and
Mrs. Veena Kumari Jaiswal, Advocates.

For the Respondent :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 11-01-2017

Heard learned counsel for the petitioner. Nobody appears on behalf of the respondent State Bank of India. Even yesterday, nobody had appeared for the respondent State Bank of India and the matter was adjourned for today.

2. Though copy of the writ petition was served on the learned counsel for the State Bank of India in November, 2015 but till date no counter affidavit has been filed and on two consecutive dates learned counsel has not appeared. The Court finds such conduct to be totally unacceptable. However, the matter has been heard on merits.

3. The petitioner has moved this Court seeking



compensation of rupees twelve lacs for having spent on construction and modification of his premises which was leased out to the respondent State Bank of India for its Bhaishwan Branch, P.S. Masaurhi, District Patna which has now been shifted to another place.

4. Learned counsel for the petitioner contended that as he was hopeful that the Branch will continue in his house, he made heavy investment, but the conduct of the State Bank of India authorities in shifting the Branch to another place is arbitrary and has caused loss to the petitioner for which he should be compensated.

5. Having considered the matter, the Court does not find any merit in the present writ application. The petitioner, even if he may have invested a heavy amount, shall be presumed to do so on his own volition, for no such condition has been brought to the notice of the Court which was put by the State Bank of India before taking the premises on lease.

6. Further, from the records it appears that initially the lease was for a period of five years and the monthly rental was Rs.936/- per month and, thus, the same being less than Rs.1000/-, the yearly rental was less than Rs.12,000/- and less than Rs.60,000/- for the entire period of lease. For such an amount, the Court cannot believe that the petitioner would have invested rupees twelve lacs in the premises. Moreover, the lease was continued for another five



years. The lessee cannot be compelled to continue with the tenancy and no interference by the Court is warranted. The decision of the State Bank of India to move to a new premises is totally a commercial decision based on various factors which the Court would not go into. The domain being purely with the State Bank of India, the relief sought for by the petitioner cannot be granted. As far as compensation is concerned, the same would require for evidence to be adduced, for which the petitioner has to approach the proper forum, in accordance with law.

7. For the reasons aforesaid, the writ petition stands dismissed.

(Ahsanuddin Amanullah, J)

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