

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1610 of 2019

Arising Out of PS. Case No.- Year-0 Thana- District- Patna

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1. Andhra Bank, through its Zonal Manager, Sri Vikas Vineet, Zonal Office, Patna, Bihar First Floor, Aditya Arcade, Exhibition Road, Patna, Bihar
 2. Sri Vikas Vineet, aged about 44 years, (M), Son of Braj Kishore Singh Zonal Manager, Zonal Office, First Floor, Aditya Arcade, Exhibition Road, Patna, Bihar, residing at 304, Shyam Bhawan, East Boring Canal Road, P.S.-Sri Krishna Puri, District-Patna.

... .. Petitioners

Versus

1. The State of Bihar Through The Chief Secretary, Govt. of Bihar Patna
2. The Director General of Police, Bihar, Patna. Patna.
3. The Senior Superintendent of Police, Patna. Patna.
4. The S.H.O, Buddha Colony, Police Station, Patna. Patna.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate
For the Respondent/s : Mr.M. Nasrul Huda Khan, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 28-01-2020 Heard learned counsel for the petitioners and

learned counsel for the State.

Petitioner no. 1 in this case is a Scheduled and

Nationalized Bank. Petitioner no. 2 is the Zonal Manager of

the Bank.

The petitioners have moved this court for two fold

reliefs. The first prayer of the petitioners is to direct

respondent authorities particularly respondent nos. 3 & 4 to

provide proper security to the officials of the Bank, so that



they may be able to discharge their public duty by way of shifting valuable items of the Bank such as Lockers, safe, documents and other valuable items lying in the Sri Krishna Nagar Branch of the petitioners' Bank. In this connection it is alleged that the land-lady in whose premises the Branch of the Bank was running, her husband and other persons have taken law in their hand and have committed offences in creating obstruction by raising wall over the gate, locking the entrance through chain and deputing personal security guard at the entrance of the Bank on account of which the employees of the Bank are not able to shift the various articles in discharge of their public duties.

The second relief prayed is to issue a direction upon respondent no. 4 to act impartially and at least institute a First Information Report in the light of the complaint filed by the petitioners' Bank disclosing commission of cognizable offence by the land-lady in whose premises the Branch of the Bank from the year 2007 was running.

Learned counsel for the petitioners submits that



the petitioner no. 1 – Bank had earlier entered into a lease with the land-lady for hiring the premises in question on rent basis. The lease commenced on 31st of May, 2007 and thereafter the Bank continued in the premises until it served a notice of 30 days showing it's intention to vacate the premises. Such notice was issued on 09.09.2019 and the same was received by the land-lady/lessor on 31.10.2019. Thereafter, according to learned counsel for the petitioners, a dispute arose between the parties over the notice period and there was also a demand of outstanding rent which has been disputed by the petitioners Bank. It is submitted that the two Money Suits have been filed by the land-lady being Money Suit No. 133/2019 and Money Suit No. 134/2019 which are pending consideration before the Civil Court at Patna.

Learned counsel for the petitioners submits that on 20.09.2019 when the authorized persons of the Bank went to remove lockers, safe, documents and other valuables from the said Sri Krishna Nagar Branch, the land-lady and



her husband along with her guard took fight with them and threatened them to face dire consequences in case they entered in the premises. Resultantly, those persons are said to have returned back without doing their work. It is submitted that the said incident was also reported to the Officer-in-Charge (respondent no. 4) who did not pay any heed, thereafter the same was reported to the Senior Superintendent of Police, Patna (respondent no. 3) but that also remained unattended and no action has been taken so far.

In the aforesaid circumstance, the reliefs as stated have been prayed before this court.

In this case, the house owner/land-lady has not been made a party respondent and in the nature of the grievances raised before this Court, this Court finds that the petitioners have approached this court under Article 226 of the Constitution of India without even applying for their remedy available under the Bihar Building (Lease, Rent and Eviction) Control Act (hereinafter referred to as "Rent



Control Act”) before the appropriate authority for the first relief and then without following the procedures established under Section 156(3) Cr.P.C. which has been fully described in the judgment of the Hon’ble Supreme Court in the case of **Priyanka Srivastava & Anr vs State of U.P.& Ors** reported in (2015) 6 SCC 287.

This writ application is, thus, being disposed off without going into the merit of the case at this stage giving liberty to the petitioners to seek their remedy before the appropriate authority under the Rent Control Act or any other forum/Court as may be advised, and in case, they are aggrieved by inaction on the part of the respondent no. 3 and 4 in not registering the F.I.R., it would be open for them to seek their remedy under Section 156(3) Cr.P.C. before the learned Chief Judicial Magistrate, Patna.

With the aforesaid observation and liberty, the Writ Application stands disposed off.

(Rajeev Ranjan Prasad, J)

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