

HIGH COURT OF CHHATTISGARH, BILASPUR

WPC No. 2416 of 2021

Chandra Shekhar Mishra, S/o. Late Shri Lakhan Lal Mishra, Aged About 58 Years, R/o. Ward No. 2, Post- Rajim Distt. Gariyaband (Chhattisgarh)

---- Petitioner

Versus

1. Chhattisgarh Rajya Gramin Bank, Through The Managing Director (Administration), Principle Office, Mahadevghat Road, Sundar Nagar Raipur (Chhattisgarh)
2. The Branch Manager, Chhattisgarh Rajya Gramin Bank - Ward No. 2, Post - Rajim Distt. Gariyaband (Chhattisgarh)

---- Respondents

For Petitioner	:	Mr. Vipin Tiwari, Advocate
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Hon'ble Shri Justice Goutam Bhaduri

ORDER

18.06.2021

Heard

1. The instant petition is filed for the following reliefs :

“10.1. That, the Hon'ble Court may kindly be pleased to issue the writ of mandamus commanding upon the respondents and direct them to comply the rent agreement dated 14.01.2021 (Annexure P-5) and also comply the provisions of law before vacating the property/ premises of the petitioner, in the interest of justice.

10.2. That, the Hon'ble Court may kindly be pleased to call for the entire records from the respondents, in the interest of justice.

10.3. That, any other order or orders or direction or relief though just and fit in the circumstances of the case may also kindly be granted.”

2. Learned counsel for the petitioner would submit that the respondent was in possession of the premises of the petitioner and agreement was executed on 01.03.2020 for five years and all of a sudden the respondents advertised to get the premises vacated contrary to the agreement. Therefore, the respondents being the State under Article 12, the same cannot be done.
3. Perusal of the documents would show that the agreement which the petitioner is

harping is not a registered document though the lease is for more than 11 months. Further, the claim of the petitioner would show that the petitioner wanted to get damages or specific enforcement of contract which too is on the basis of an unregistered document. The submission of the petitioner therefore is completely misconceived under the petition under Article 226 of the Constitution of India. It is disputed question of fact about the existence and admissibility of the agreement, which are requires evidence. Therefore, I am not inclined to entertain this petition. Accordingly, it is dismissed.

Sd/-
(Goutam Bhaduri)
JUDGE

Aks