

HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 3329 of 2020**

Sudhir Dutta S/o Late Shri Tapan Kumar Dutta Aged About 36 Years
 Director Of M/s Chinmaya Netralaya , Sheela Plaza, Vyapar Vihar
 Road, Bilaspur , District Bilaspur Chhattisgarh. --- **Petitioner**

Versus

1. State of Chhattisgarh through Secretary, Department of Health and Family Welfare, Mahanadi Bhawan, Atal Nagar, Raipur , District Raipur Chhattisgarh.
2. The Collector Bilaspur District Bilaspur Chhattisgarh.
3. Chief Medical Health Officer Seepat Road, Sarkanda Bilaspur Chhattisgarh.
4. Dr. Krishna Kumar Sahu S/o Shri Ramayan Prasad Sahu Aged About 39 Years R/o Seepat Road, Rajkishore Nagar , Bilaspur, District Bilaspur Chhattisgarh.
5. The Branch Manager Dena Bank Now Bank of Baroda , Vyapar Vihar Road , Bilaspur , District Bilaspur Chhattisgarh. --- **Respondents**

For the applicant	:	Mr. Ajay Barik, Advocate.
For the Respondents	:	Mrs. Astha Shukla, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****17.08.2021**

1. The instant writ petition has been filed for the following relief(s) :

10.	<u>Relief(s) Sought :</u>
	In view of the above facts and grounds of the case the petitioner prays for the following relief(s)
(I)	That, this Hon'ble Court may kindly be pleased to call the entire records pertaining to petitioner's case;
(ii)	That, this Hon'ble Court may kindly be pleased to direct the respondent no.5 to defreeze the joint account by which the payment shall be made towards the health workers as well as rent of the building and to continue the same account single handedly;
(iii)	Any other relief/reliefs which may deem fit and proper

	in the facts and circumstances of the case, may also be allowed.
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2. The grievance of the petitioner is that the petitioner who is a Director of M/s. Chinmaya Netralaya wherein respondent No.4 Dr. Krishna Kumar Sahu was working entered into a partnership firm to run M/s Chinmaya Netralaya and all of a sudden respondent no.4 has left the partnership and vacated the premises of M/s. Chinmaya Netralaya wherein he was working. As a result, respondent no.5 Dena Bank wherein the account was maintained freezed the account, therefore, respondent no.5 may be directed to defreeze the account so that the account can be operated.
3. In the caption of this petition, petitioner has been shown as Director of M/s. Chinmaya Netralaya whereas in the deed of partnership, it is described that Krishna Kumar Sahu and petitioner Sudhir Kumar Dutta formed the Partnership M/s Chinmaya Netralaya. Therefore, it is a question of fact as to the very entity of petitioner, whether he is in the capacity of director or partner of the firm has filed the petition. Even if there has been a breach of partnership, this Court cannot exercise the power to adjudicate the issue in this petition under Article 226 of the Constitution of India as it would be a highly disputed question of fact and a matter of contract. The petitioner can approach the competent Civil Court or any Consumer Forum, if so advised. Accordingly, this writ petition is dismissed.

Sd/-
GOUTAM BHADURI
JUDGE