

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1124 of 2016

Priyanka Singh Wife of Shri Mihir Kumar Singh resident of East of Atlantis Hospital, Bailey Road, Danapur, District - Patna

... .. Petitioner/s

Versus

1. The Central Bank Of India and Anr
2. The Senior Regional Manager, Central Bank of India, B - Block, Maurya Lok Complex, Second Floor, Pa

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Tuhin Shankar, Adv
For the Respondent/s : Mr. Ajay Kumar Sinha, Sr. Adv

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

4 19-08-2023 Heard learned counsel for the parties.

2. The instant writ petition has been filed for the following reliefs;-

(i) To issue a writ of mandamus commanding the respondent Bank to pay the unpaid rent of Rs. 8,64,000/- (Rupees Eight Lakh Sixty Four Thousand Only) faor the lease period which ending on 1st August 2017 alongwith 18% penal interest thereon per annum.

(ii) To also issue a writ directing the respondent to pay the compensation amount of Rs. 10,00,000/- (Ten Lakh) spent by the



*petitioner in furnishing the leased properties
at the behest of the respondent Bank.*

3. Learned counsel for the petitioner has stated that the lease agreement between the petitioner and the respondent was for the specific period and the respondent Bank without advertizing into the said conditions in the deed of lease dated 2nd August 2012, has vacated the premises and has not paid the rent as per the agreed lease period of five years. Learned counsel appearing on behalf of the respondent Bank has stated that the present writ petition filed under Article 226 of the Constitution of India is not maintainable and the petitioner has to approach the Civil Court for redressal of his grievance i.e for payment of the rent, if any and prayed for dismissal of the CWJC.

4. Admittedly, in the present case, the only question that is involved is with regard to the period for which the rental amount for the balance period of the lease agreement, due to the petitioner is payable or not. The said dispute cannot be gone into by this Court under Article 226 of the Constitution of India as they are disputed questions of fact, the petitioner has an alternative and efficacious remedy of approaching the Civil Court for redressal of his grievance but he cannot approach this



court by way of writ petition.

5. Having regard to the above , the present writ petition is disposed of with the direction to the petitioner to avail the statutory remedies as available to him under the common civil law before the concerned Civil Court having jurisdiction.

(A. Abhishek Reddy , J)

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