

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.974 of 2023

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1. Dhiraj Kumar S/o Surya Mauli Prasad Singh, Resident of Village Powari P.S. Harnaut, District- Nalanda at present residing at Mohalla- Ram Nagar P.S. Nawada, District- Nawada.
 2. Chaitanay Sri Son of Shri Trishuldhari Pd. Sinha, resident of Village- Orhanpur, P.S. Muffasil, District- Nawada.
 3. Sanjay Kumar, Son of Late Sudhir Kumar, Resident of Mohalla New Area Nawada, P.S. and District- Nawada.
 4. Satendra Kumar Sinha Son of Suresh Nandan Pd. Resident of Mohalla Prasadbigha, Nawada, P.S. Mufassil and District- Nawada.
 5. Chandra Mauli Singh S/o Late Alakhdeo Narayan Singh resident of Village Odhanpur, P.S. Muffasil, District- Nawada, Proprietor of Uttam Krishi Kendra Nawada.
 6. Sunil Kumar Son of Late Devendra Pd. Singh resident of Village- Siswan, P.S. and District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Co-operative Department, State of Bihar.
2. The Chairman Bihar State Co-operative Bank Ltd. Patna.
3. The Managing Director, Nawada Central Co-operative Bank Ltd. Nawada.
4. The Branch Manager, The Nawada Central Co-operative Bank Ltd. Nawada, Branch Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Vinod Gautam, Advocate.
For the Respondent/s	:	Mr.Amit Prakash, GA-13.
For the Bank	:	Mr. Bindhyachal Rai, Advocate.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 14-02-2023 Heard Mr. Vinod Gautam, learned counsel appearing on behalf of the petitioners, Mr. Bindhyachal Rai, learned counsel appearing on behalf of the Bank and Mr. Amit Prakash, learned GA-13 for the State.

2. The present writ petition has been filed by the



petitioners for the following reliefs:

i. For issuance of an appropriate writ in the nature of certiorari for quashing the letter no.01 dated 4.4.22 issued by Branch Manager, The Nawada Central Co-operative Bank Ltd. Nawada Branch Nawada where by petitioners have been directed to vacate the shop.

ii. For issuance of an appropriate writ directing the respondents not to vacate the shop which have been taken on rent by petitioners since 2003 and as such tenancy was created in their names.

3. Learned counsel appearing on behalf of the petitioners submitted that the respondent – Central Co-operative Bank has directed the petitioner to vacate the shop, in spite of the fact that in terms of the lease agreement, the petitioner has been making payment of rent regularly.

4. It is contended on behalf of the respondent that the petitioners have not paid rent regularly and too only till 18.01.2022. Learned counsel further submitted that in terms of the guidelines issued by the Cooperative Bank, no commercial activity can run from the premises of any Bank. It is claimed that Section 32 of the Bihar Buildings (Lease, Control and Eviction) Control Act, 1982 bars the Bank to raise any objection before the Rent Controller, as such the order of eviction is in accordance with law.

5. Having heard the rival submissions of the parties and materials on record, the petitioner, if so advised, may file representation before the competent authority of the respondent



Bank. The concerned authority is directed to pass a reasoned order after affording opportunity of hearing to the petitioner within three weeks from the date of representation filed.

7. With the above observation, present writ petition stands disposed of.

(Purnendu Singh, J)

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