

**MAT 30 of 2023
With
CAN 1 of 2023**

**Indian Bank & Anr.
Vs.
Bibhas Kumar Samanta & Ors.**

Mr. Saurabh Guha Thakurata
Ms. Mallika Roy Chowdhury
Ms. Prabhleen Bharara
Ms. Nilaljana Sarkar

... ... for the appellants

Mr. Swarup Paul
Mr. Surya Maity
Mr. Anirban Chakraborty

... ... for the respondent no.1

Mr. Satyajit Mahata

... ... for the Union of India

Mr. Tapan Kr. Mukherjee, Sr. Adv.
Ms. Tuli Sinha

... ... for the respondent no.3

This appeal is directed against the order of the learned Single Judge dated 20th December, 2022 whereby WPA 26205 of 2022 has been disposed of with a direction to the appellant bank to vacate the premises within a period of six weeks from the date of communication of this order on the bank.

The record reflects that the writ petitioner had let out the premises in question to the appellant bank by executing the agreement dated 1st January, 2002 and there was some dispute relating to rate of rent. Hence, in the writ petition the petitioner had prayed the occupational charges for the premises at certain rate till the premises is vacated by the bank.

Learned Single Judge while passing the impugned order had taken note of the reply of the bank to the

representation of the petitioner (on 28th September, 2022) and had come to the conclusion that there was no dispute with regard to the appellant bank deciding to vacate the premises owned by the writ petitioner and, therefore, had disposed of the petition with a direction to the bank to vacate the premises within six weeks.

Before this Court limited submission of learned counsel for the appellants is that six weeks is a very short time to vacate the premises by the bank. He has submitted that the bank should be granted eight months time from today to vacate the premises.

Learned counsel for the writ petitioner/respondent no.1 has no objection to the same but his submission is that the appellant bank should pay the rent regularly.

Hence, we dispose of the present appeal by modifying the direction of the learned Single Judge and by directing that the appellant bank will vacate the premises in question within a period of eight months from today and in the meanwhile will regularly pay rent to the writ petitioner/respondent no.1.

Connected application is accordingly disposed of.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)