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18.12.2023
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IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

W.P.A. No. 21896 of 2023

Kanai Baur
Vs.
The General Manager,
Bank of India & Ors.

Mr. Satadal Sovan Halder
...for the petitioner

Mr. Shounak Mukhopadhyay,
Ms. Niharika Singh
...for the respondent no. 1 to 3

1. Affidavit-of-service filed in Court today be kept on record.
2. Learned counsel appearing for the Bank takes an objection at the outset as to the maintainability of the writ petition since the dispute is civil in nature.
3. Learned counsel for the petitioner contends that there was an agreement between the respondent-bank and the petitioner. Pursuant to the same, the petitioner granted a 15-year lease to the bank. However, much prior to the expiry of the same, the Bank is seeking to shift from the petitioner's property, leaving substantial dues on account of rental payments.
4. Learned counsel for the Bank controverts the said contentions. It is also submitted that there was

no formal lease executed between the parties despite repeated requests by the Bank.

5. Although the petitioner has annexed at page 14 of the writ petition an offer by the Bank, which purportedly is in the nature of an acceptance of the lease, the claims now made by the petitioner are in the nature of injunction and monetary claim, to get relief on which count, the petitioner is required to satisfy the court by adduction of elaborate evidence.

6. As such, the dispute raised in the present writ petition is purely the subject matter of a civil dispute requiring assessment of detailed evidence and cannot be adjudicated with the limited trappings of the writ court.

7. Hence, W.P.A. No. 21896 of 2023 is disposed of by granting liberty to the petitioner to approach the competent civil court with the reliefs as sought in the preset writ petition.

8. This Court, it is made clear, has not entered into the merits of the allegations and counter-allegations between the parties and it will be open to the civil court, if approached, to decide the same independently and in accordance with law.

9. Since no affidavits are called for, it is deemed that none of the allegations made in the writ petition are admitted by the respondents.

10. There will be no order as to costs.

11. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance of all necessary formalities.

(Sabyasachi Bhattacharyya, J.)