



WP(MD)No.16830 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **06.10.2023**

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.16830 of 2020

Abdul Malik

...Petitioner

/Vs./

1.The Managing Director & Chief Executive Officer,
Indian Bank, Corporate Office,
PB No.5555, 254-260,
Avvai Shanmugam Salai,
Royapettah,
Chennai – 600 014.

2.The Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.

3.The Branch manager,
Indian Bank, Dargah Road,
Periapattinam,
Ramanathapuram District.

4.The Inspector of Police,
Thirupullani Police Station,
Ramanathapuram District.

...Respondents



WP(MD)No.16830 of 2020

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st and 3rd respondents to return the total amount of Rs.1,89,985/- (Rupees One lakh eight nine thousand nine hundred eight five) with business interest @ 24 percent along with penal interest @ 36 percent from the date of illegal withdrawals in the petitioner's account, and also direct the 2nd respondent to take necessary and appropriate action against the bank officials and unknown accused based on my representation dated 24.08.2020.

For Petitioner : Mr.A.Aarputharaj

For Respondents : Mr.R.Sivakumar (R2 & R4)

Government Advocate

Mr.C.Jawahar Ravindran (R3)

ORDER

This writ petition was filed for issuance of writ of mandamus directing the respondents 1 and 3 to refund the sum of Rs.1,89,985/- with interest on the ground that this amount has been illegally taken away from the bank account maintained by the petitioner in the Indian Bank.

2. Heard Mr.A.Aarputharaj, learned counsel for the petitioner, Mr.R.Sivakumar, learned Government Advocate for the respondents 2 and 4 and Mr.C.Jawahar Ravindran, learned counsel for the third respondent.



WP(MD)No.16830 of 2020

3. The case of the petitioner is that a the sum of Rs.1,89,985/- was wrongly debited from the bank account maintained by the petitioner before the Indian Bank. According to the petitioner, he received a phone call and based on whatever details that were sought for from the petitioner, he has given the details. Thereafter, the amount had been debited from the bank account of the petitioner. Therefore, the petitioner wants this amount to be refunded by the bank.

4. In the considered view of this Court, the bank cannot be held liable for the amount that has been debited from the account of the petitioner. Unless the petitioner had provided the details, the amount would not have been debited. Therefore, fraud that was played against the petitioner by someone cannot result in the bank refunding the amount to the petitioner. That apart, the complaint that was given by the petitioner before the Thirupullani police Station was also closed and the closure report was also placed before this Court.

5. In view of the above, the relief sought for cannot be granted by this Court. Hence, this writ petition stands dismissed accordingly. No costs.

06.10.2023

NCC : Yes/No



WP(MD)No.16830 of 2020

Internet :Yes/No
Index :Yes/No

WEB COPY

TO:

- 1.The Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.
- 2.The Inspector of Police,
Thirupullani Police Station,
Ramanathapuram District.



WEB COPY



WP(MD)No.16830 of 2020

N.ANAND VENKATESH, J.

sm

Order made in
W.P.(MD)No.16830 of 2020

Dated:
06.10.2023