

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2015

CORAM:

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

Writ Petition No.22979 of 2014

- 1 Sri Nandhanam Educational & Social Welfare Trust
184/1, Small Bazaar Street
Tirupattur 635 601
Vellore District
Rep. by its Chairman
P.M.N.Mohan Krishna

.. Petitioner

Vs.

- 1 The Reserve Bank of India
Rep. by its General Manager
Banking Ombudsman
Fort Glacis, No.16, Rajaji Salai
Chennai-1
- 2 The Chief Manager
Bank of India
Anna Nagar (Chennai) Branch
W-124, New No.41, III Avenue
Anna Nagar
Chennai-40
- 3 The Manager
Karur Vysya Bank
NO.2/15, Pudupettai Main Road
Tirupattur 635 601
- 4 The Manager
Punjab National Bank
NO.1/10, Ashok Nagar
Tirupattur

.. Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus directing the respondents 1 & 3 to transfer the fund lying in five numbers Fixed Deposits in 3rd respondent-Karur Vysya Bank Account No.163747800000030/1 2 3 4 & 5 to and in favour of the loan account of the Petitioner Trust (A/C.NO.802465410000002) in 2nd respondent Bank of India Anna Nagar (Chennai) Branch Chennai as per the demand made by the 2nd

respondent in Ref. ANNA:ADV: MGS:2014-15:73 dated 2.6.2014 forthwith within a time frame to be fixed by this Honourable court.

For Petitioner : Mr.G.Sankaran
For Respondents : Mr.A.V.Radhakrishnan for R3
No appearance for R1, R2, R4

O R D E R

Heard Mr.G.Sankaran, learned counsel for the petitioner and Mr.A.V.Rdhakrishnan, learned counsel appearing for the third respondent and with the consent of the learned counsel on either side, the Writ Petition itself is taken up for disposal.

2. The petitioner seeks for a direction to the respondents 1 & 3 to transfer the fund lying in five numbers Fixed Deposits in 3rd respondent-Karur Vysya Bank Account No.1637478000000030/1 2 3 4 & 5 to and in favour of the loan account of the Petitioner Trust (A/C.NO.802465410000002) in 2nd respondent Bank of India Anna Nagar (Chennai) Branch Chennai as per the demand made by the 2nd respondent in Ref. ANNA:ADV: MGS:2014-15:73 dated 2.6.2014 forthwith within a time frame to be fixed by this Honourable court.

3. The third respondent bank has filed a counter affidavit conceding to the request made by the petitioner and the following stand has been taken in the counter affidavit:

"6. In view of the same, it is humbly submitted that in the present case, the Bank is willing to go by the orders of this Hon'ble Court and states very clearly that the Bank is ready to transfer the fund lying in the Fixed Deposits in the Account of Late Mr.P.M.M.Nandagopal with the third respondent Bank in favour of the loan account of the petitioner Trust in 2nd respondent - Bank of India, Anna Nagar Branch if a direction is given by this Hon'ble Court.

It is therefore humbly prayed that this Hon'ble Court may be pleased to direct the Bank to transfer the funds lying in the five numbers of Fixed Deposits in the third respondent Bank in favour of the loan account of the petitioner Trust with the second respondent - Bank of India, Anna Nagar Branch, Chennai, as per the demand made by the 2nd respondent in Ref.ANNA:ADV:MGS:2014-15:73 dated 2.6.2014 and the Bank s willing to transfer the fund within the time frame as may be fixed by this Hon'ble Court."

4. In the light of the stand taken by the respondent Bank, there will be a direction to the respondent Bank to transfer the funds, as

requested by the petitioner and as agreed, within a period of three weeks from the date of receipt of a copy of this order.

5. The Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ajr

To

1 The General Manager
The Reserve Bank of India
Banking Ombudsman
Fort Glacis, No.16, Rajaji Salai
Chennai-1

2 The Chief Manager
Bank of India
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Tirupattur 635 601

4 The Manager
Punjab National Bank
NO.1/10, Ashok Nagar
Tiruppattur.

1 cc to Mr. S.Sathiyarayanan, Advocate, SR.No.8179
1 cc to Mr. G.Sankaran, Advocate, SR.No.8205
1 cc to Mr.A.V.Radhakrishnan , Advocate, SR.No.7956

W.P.No.22979 of 2014

br(co)
pmk.25.2.2015