

In the High Court of Judicature at Madras

Dated: 13.8.2015

Coram:

The Hon'ble Mr. Justice M. Jaichandren

Writ Petition No. 30516 of 2012

S. Balaji

.. Petitioner

vs.

1. The Branch Manager,
State Bank of India,
Jolarpet Branch,
Thiruppathur Taluk,
Vellore Dist.

2. The Inspector of Police,
District Crime Branch, Vellore Dist.

.. Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, directing the respondent to consider the petitioner's representation, dated 21.9.2012, and consequently direct the 1st respondent to release the petitioner's amount for a sum of Rs. 4,40,000/-, which was transferred through petitioner's Account No. 11269968837 and petitioner's mother's Account No. 11270012878.

For petitioner : Mr. E. Kannadasan

For respondents : Mr. P. D. Audikesavalu for R-1

Mr. R. Ravichandran, AGP for R-2

सत्यमेव जयते
O R D E R

Heard the learned counsels appearing on behalf of the parties concerned.

2. The petitioner has filed the present Writ Petition praying that this Court may be pleased to direct the 1st respondent to consider the representation of the petitioner, dated 21.9.2012, and to consequently direct the 1st respondent to release a sum of Rs. 4,40,000/-, which had been transferred to the account of a third party, through the accounts of the petitioner, as well as of his mother.

3. The learned counsel appearing on behalf of the 1st respondent-Bank had submitted that the 2nd respondent Police had requested the 1st respondent-Bank to freeze the accounts of the third parties, namely,

Account No.3199128295 in the name of Mathswari Abiresvi, in the State Bank of India, Ambamata Branch, and Account No.20108007744 in the name of Harshit Jain, in the State Bank of India, Bhopal Branch, as an investigation is pending, with regard to the complaint made by the petitioner. In such circumstances, the request of the petitioner, in his representation, dated 21.9.2012, cannot be considered, at this stage.

4. In view of the submissions made by the learned counsels appearing on behalf of the parties concerned and on a perusal of the records available, this Court is of the considered view that the petitioner's representation, dated 21.9.2012, cannot be directed to be considered, by the 1st respondent-Bank, at this stage, as an investigation is said to be pending, based on the complaint made by the petitioner. It is also noted that the 2nd respondent had issued a notice to the 1st respondent Bank to freeze the accounts of the third parties, namely, Account No.3199128295 in the name of Mathswari Abiresvi, in the State Bank of India, Ambamata Branch and Account No.20108007744 in the name of Harshit Jain, in the State Bank of India, Bhopal Branch. As such, the relief sought, by the petitioner, in the present Writ Petition, cannot be granted, at this stage. Hence, the Writ Petition stands dismissed. It goes without saying that it would be open to the petitioner to work out his remedies, if any, before the appropriate forum, in the manner known to law. No costs.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

gs.

To

1.The Branch Manager,
State Bank of India, सत्यमेव जयते
Jolarpet Branch,
Thiruppathur Taluk,
Vellore Dist.

2.The Inspector of Police,
District Crime Branch, Vellore Dist.

1 cc to Mr. E.Kannadasan, Advocate Sr.No.42570
1 cc to Government Pleader.Sr.No.42803
1 cc to Mr.P.D.Audikesavalu , Advocate Sr.No.42967

WP No.30516 of 2012

bvr (co) pmk.31.8.2015