



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2015

C O R A M

WEB COPY

THE HONOURABLE Mr. JUSTICE B. RAJENDRAN

Writ Petition (MD) No. 13643 of 2014 and
MP (MD) No. 1/2014

RAJPARIS PADMAM
APARTMENT WELFARE ASSOCIATION
REP BY ITS SECRETARY M. JUSTIN
Vs.

.. Petitioner

1. THE CHIEF MANAGER,
STATE BANK OF INDIA,
7A, WEST VELLI STREET,
MADURAI- 001.

2. N. BALAKRISHNAN

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records pertaining to the impugned order dated 4.08.2014 issued by the first respondent and quash the same.

For petitioner	...	Mr.D.Sadiq Raja
For R1	...	Mr.Ananth C.Rajesh
For R2	...	Mr.J.Mathesh

O R D E R

Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

2. The writ petition has been filed challenging the impugned order dated 04.08.2014 of the first respondent bank.

3. The grievance of the petitioner is that the petitioner's association has conducted a recent election and the Office Bearers have been duly elected. Thereafter, based on the complaint given by the second respondent, who has lost in the election, to the first respondent bank, the account of the petitioner has been frozen without even a notice. Therefore, challenging the impugned order, the present writ petition has been filed.

<https://hcservices.ecourts.gov.in/hcservices/> The learned counsel for the second respondent would contend that there are irregularities and that they have not followed Sections 14, 15 and 16 of the Tamil Nadu Societies



Registration Act, 1975 and hence, he has given the complaint and therefore, the account of the petitioner's association was freezed.

5. The learned counsel appearing for the respondent Bank would only state that on the complaint received by the second respondent, the account has been freezed.

6. First of all the order is passed without notice to the petitioner. When the account is opened, it the duty of the bank to verify the particulars in accordance with law and thereafter only, the account should be opened. In fact, the account is stated to be opened in the year 2011 itself and it has been in the operation. Suddenly without even notice, they cannot freeze the account, especially on the complaint made by the second respondent, who is admittedly a candidate, who has lost in the election and merely because of the notice given by the second respondent, the first respondent cannot summarily freeze the account of the petitioner without even notice.

7. Hence, the impugned order dated 04.08.2014 is set aside and this writ petition is allowed. It is always open to the second respondent to take appropriate action in accordance with law after giving notice before the concerned authorities. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub-Assistant Registrar

To

THE CHIEF MANAGER,
STATE BANK OF INDIA,
7A, WEST VELLI STREET,
MADURAI- 001.

+One cc to Mr.J.Mathesh , Advocate, SR.No.7492

+One cc to Mr.D.Sadiq Raja, Advocate, SR.No.7423

+One cc to Mr.Ananth C.Rajesh, Advocate, SR.No.7383

rj2

RL/5 c- 26/2/2015

W.P. (MD) No.13643 of 2014