

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.9079 of 2016
and
W.M.P.No.8099 of 2016

HDFC Bank Limited,
rep. by its Project Manager,
having its registered office at
HDFC Bank House,
Senapati Bapat Marg, Lower Parel,
Mumbai-400 030. Petitioner

Vs.

- 1.The Commissioner,
Udumalpet Municipality,
Udumalpet-642 126,
Tiruppur District.
- 2.The District Collector,
District Collector,
Room No.236, II Floor, I Wing,
Master Plan Complex,
Palladam Road, Tiruppur-641 604.
- 3.The Assistant Divisional Engineer,
National Highways Authority of India,
Door No.9/9A, 4th Cross Street,
Kothari Layout, B.R.Nagar,
(Opp. Coimbatore Stock Exchange),
Trichy Road, Coimbatore-641 005.
- 4.N.Aravindh, MM Corporation,
Sai Towers, 244 Pollachi Road,
Udumalpet, Tiruppur District. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the respondents from demolishing the petitioner bank's branch at Sai Towers, 244, Pollachi Road, Udumalpet-642 126, till the bank relocates the bank branch or makes alternate arrangements as indicated in the letter dated 05.03.2016, within such time as may be fixed by this Court.

For Petitioner : Mr.C.Mohan
For respondents : Mr.A.S.Thambuswamy (for R1)

ORDER

This writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, forbearing the respondents from demolishing the petitioner bank's branch at Sai Towers, 244, Pollachi Road, Udumalpet-642 126, till the bank relocates its branch or makes alternate arrangements.

2. In the affidavit filed in support of the writ petition, it has been averred by the petitioner as follows

2-1. The petitioner bank viz., HDFC Bank is a Schedule Bank under the Provisions of the Banking Regulation Act, 1949 and the Reserve Bank of India Act 1934. On the application filed by the petitioner-Bank, RBI had granted permission for setting up branches at various places including a branch at Udumalept. Accordingly, the petitioner Bank had identified premises at Sai Towers at No.244, Pollachi Road, Udumalpet to set up its branch. The Petitioner-Bank had executed a lease arrangement on 13.04.2009 for a period of nine years. The lease arrangement is subsisting and the petitioner-bank is operating its branch from the said premises. The petitioner bank has its premises in the ground floor and the first floor. The ground floor has an ATM facility for about 104 sq.ft and the first floor has the main banking area which is about 2447 sq.ft and it also includes the locker facility for its customers. Subsequently, on 01.04.2013, they have taken an additional space of 495 sq.ft in ground floor for the bank's Self Help Group (SHG) Team. The petitioner's branch at Pollachi Road, Udumalpet has 10,235 customers and holds deposits to a tune of Rupees 31.4/- crores and it has 141 live lockers with valuables and documents of its customers. The petitioner Bank has been catering to a wide variety of banking business for the public in that area and its services include Retail Banking Operations, Wholesale Banking, Retail Agri, Self Help Groups, asset Business Development Representatives and Deep - Geo among other operations. The petitioner bank is one of the largest and most prominent banks in that locality.

2-2. While so, on 04.03.2016, the Udumalpt Municipality, the 1st respondent herein purported to be acting on behalf of the 3rd respondent Highways Authority, has commenced demolishing of buildings on Pollachi Road. The authorities at present have stopped the demolition drive before the adjoining building of the petitioner bank branch at Sai Towers. The demolition activity has come as a complete shock and surprise to the petitioner bank. No information or notice has been given by the respondents to the petitioner bank. The petitioner Bank, being a responsible entity, is not against any action initiated by the Highways Authorities for the road widening; however, the same has to be done within the frame work of law and reasonable opportunity needs to be provided to the petitioner Bank. In such circumstances, if reasonable time and opportunity to take necessary steps or

relocate the bank and its assets, are not given, the petitioner Bank and its customers would be put to irreparable loss, injury and hardship. Hence, the petitioner has come forward with the present writ petition for the relief as stated supra.

3. When the matter is taken up for consideration, the learned counsel for the petitioner submitted that if three months time is granted, the petitioner bank would relocate its branch. Further more, the petitioner's branch at Pollachi Road has 10,235 customers and it holds deposits to a tune of Rs.31.4 crores and it has 141 live lockers with valuables and documents of its customers. Hence, it will take at least three months for the petitioner bank to relocate its branch; whereas the respondents have given only 15 days time to relocate the petitioner's branch.

4. But, the learned counsel appearing for the official respondents vehemently opposed to grant three months time, contending that the work is being carried on for purpose of widening the road and already sufficient time has been given to the petitioner to relocate.

5. Considering the submissions made on either side, I am of the opinion that the official respondents are carrying on the work only for the purpose of widening the road, which is a public importance. This Court cannot direct the respondents to grant three months time to the petitioner to relocate its branch. Moreover, no legal ground has been made out by the petitioner for seeking such a prayer.

6. Hence, in view of the factual aspects of the case, this Court directs the respondents to grant time till 31.03.2016 to the petitioner to enable the petitioner to relocate its branch or to make alternative arrangements. The writ petition is accordingly disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar (CS III)

//True Copy//

Sub Assistant Registrar

[ssv]

To

1.The Commissioner,
Udumalpet Municipality,
Udumalpet-642 126,
Tiruppur District.

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Door No.9/9A, 4th Cross Street,
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(Opp. Coimbatore Stock Exchange),
Trichy Road, Coimbatore-641 005.

+1cc to M/s. King & Partridge, Advocate, S.R.No.16099

+1cc to Mr.A.S. Thambuswamy, Advocate, S.R.No.16061

VSN(CO)
EU(24/03/2016)

W.P.No.9079 of 2016
and

W.M.P.No.8099 of 2016

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