



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.09.2016

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

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Writ Petition (MD) No.1415 of 2016

S.Sankaralingam

... Petitioner

Vs.

1.The Reserve Bank of India,
Ombudsmen, Chennai Circle,
St., Fort Glasis,
Chennai.

2.The General Manager,
Head Office, Pandian Grama Bank,
Virudhunagar.

3.The Branch Manager,
Pandian Gramma Bank,
Thisayanvilai,
Tirunelveli District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 2nd and 3rd respondents to return back the petitioner's deposit amount of Rs.1 75 000/- (Rupees One Lakh and Seventy Five Thousand only) with 18% interest the date of deposit 31.01.2015 within the time limit that may be fixed by this Court.

For Petitioner	:	Mr.P.Parthiban
For 1 st Respondent	:	No appearance
For Respondents 2&3	:	Mr.N.Dilipkumar

ORDER

This writ petition has been filed for the issuance of a writ of mandamus, to direct the respondents 2 and 3 to return back the petitioner's deposit amount of Rs.1,75,000/- (Rupees One Lakh and Seventy Five Thousand only) with 18% interest from the date of deposit 31.01.2015.

2.According to the petitioner, when the was working as Jewel Appraiser in the third respondent bank, there was some dispute in pledging a jewel in Loan Account No.190/14. During the audit, the jewel is found to be fake and therefore, the petitioner is directed to be deposited a sum of Rs.1,75,000/- being the loan amount. The petitioner pleaded ignorance, however has deposited the entire amount of Rs.1,75,000/- on 31.01.2015. Subsequently, the original borrower namely, Balakumarasamy paid the principal amount along with interest totalling a sum of Rs.1,83,350/- and the loan account was closed on 26.02.2015. Since the original



borrower paid the entire amount and the jewel account was closed, the petitioner made a representation before the respondents to reimburse the deposited amount. Since the respondents did not repay the said amount, the petitioner has filed this writ petition seeking for the relief stated supra.

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3.Today, when the matter came up for hearing, learned counsel appearing for the respondent bank submitted that in the event of the petitioner executing indemnity bond with two sureties, the bank is ready and willing to repay the entire amount deposited by the petitioner.

4.In reply, learned counsel appearing for the petitioner also agreed for the same but submitted that out of two sureties, one surety will be from his family members and another one will be by an outsider.

5.In the above circumstances, the petitioner is directed to execute indemnity bond with two sureties one surety from his family members and another surety is an outsider within two weeks from the date of receipt of a copy of this order. On receipt of such sureties, the respondent bank shall refund the amount deposited by the petitioner immediately.

6.The writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

+1cc to M/s.P.Parthiban, Advocate SR.No.55494

+1cc to M/s.N.Dilipkumar, Advocate SR.No.55049

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sms

SD/EM-MPA/18.10.2016/2P/3C