

**THE HONOURABLE SRI JUSTICE RAJA ELANGO**

**WRIT PETITION No.41833 of 2016**

**ORDER:**

This writ petition under Article 226 of Constitution of India is filed seeking to declare the impugned action of the 1<sup>st</sup> respondent bank without any authority in dishonouring the cheques presented by the petitioner company, as illegal and arbitrary and consequently to direct the 1<sup>st</sup> respondent bank to honour the cheques presented with the 1<sup>st</sup> respondent.

Heard and perused the material available on record.

The case of the petitioners is that the 1<sup>st</sup> petitioner i.e., M/s. Samaikya Educations Private Limited, Sai Krishnaja Hills, Bachupally, Hyderabad, is a registered company with the objects to provide education, training, imparting, disseminating of knowledge by establishing schools, colleges, training institutes and libraries and the 2<sup>nd</sup> petitioner is the newly appointed Chairman and Managing Director of the 1<sup>st</sup> petitioner. When the 2<sup>nd</sup> petitioner presented a cheque with the 1<sup>st</sup> respondent Bank for an amount of Rs.20,00,000/- vide Cheque No.839453, dated 11.11.2016, payable to M/s. Samaikya Educational Society towards the salaries to the staff run under the said educational society and also for other operational expenses, the 2<sup>nd</sup> respondent Bank has issued cheque return memo on 19.11.2016 stating that *“kindly contact drawer/drawee Bank and please present again.”* The main grievance of the petitioners is that the petitioners have given a representation to the 1<sup>st</sup> respondent on 22.11.2016, but till date, the same is not considered by the 1<sup>st</sup> respondent Bank.

Learned counsel for the petitioners submitted that when the 2<sup>nd</sup> petitioner approached the Branch Manager of the 1<sup>st</sup> respondent bank, he orally informed that one of the Directors has lodged a complaint

regarding mismanagement and that even though it is informed by the 1<sup>st</sup> respondent bank orally that a complaint is lodged, but till date, neither the 1<sup>st</sup> respondent Bank has considered the representation submitted by the petitioner, dated 22.11.2016, nor any reply was given and that due to the same, the petitioners could not be able to operate their Bank Account, which would cause prejudice to the management of the 1<sup>st</sup> petitioner educational society.

Considering the said fact, the 1<sup>st</sup> respondent is directed to dispose of the representation, dated 22.11.2016, submitted by the petitioners, as expeditiously as possible, in accordance with law, preferably within a period of fifteen (15) days from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.

**RAJA ELANGO, J**

Date: 5<sup>th</sup> December, 2016

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