

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31/10/2017

C O R A M

THE HON'BLE MR.JUSTICE S.MANIKUMAR

AND

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.27024 of 2017

&

WMP.NO.28836 to 28838/2017

1. P. N. Selvam

2. Devi

rep. By her Power of Attorney
Mr.P.N.Selvam

Petitioners

Vs

1. State Bank of India
rep. By Branch Manager
Kancheepuram Branch
No.29, 30, 30 B
Annai Indira Gandhi Salai
Kancheepuram 603 502.

2. The Chairman
State Bank of India
Corporate Centre
"State Bank Bhavan"
Madam Cama Road
Mumbai 400 021.

3. The Governor
Reserve Bank of India
Central Office Building
18th Floor
Shahid Bhagat Singh Road
Mumbai 400 001.

Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the second respondent to conduct an enquiry on the frauds committed by the officials of 1st respondent and directing the third respondent to initiate appropriate action against the officials of first and second respondent for their inaction.

For petitioners ... Mr.Shankar Narayanan
Senior Counsel
For respondents ... Ms.S.R.Sumathi
for R.1

O R D E R

(Order of the Court was made by S.MANIKUMAR, J)

P.Devi/second petitioner has availed loan of of Rs.5.30 crores. Certain sum is stated to have been repaid. Alleging irregularities and commission of offences by S.Nallaiah, Ex.Assistant General Manager of State Bank of India, a complaint, dated 31/8/2017 has been filed by T.N.Selvam, Proprietor of M/s. Sridevi Traders and Ranjith Traders, Kancheepuram, to the Superintendent of Police, Kancheepuram District, to take legal steps against the persons mentioned in the complaint dated 31/8/2017. In the said complaint, the petitioner has also alleged irregularities in the sale notice, and reserve price of the properties brought for auction. Main contention in the complaint is that Nallaiya had misappropriated Government and petitioner's money. Bank officials are trying to grab his property. Alteration of e-auction sale records and payment details made through RTGS/NEFT mode, have been made.

2. Based on the above contentions, detailed in the supporting affidavit, instant writ petition has been filed for a mandamus, directing the Chairman, State Bank of India, Mumbai/second respondent, to conduct an enquiry, on the fraud committed by the officials of the first respondent/State Bank of India, Kancheepuram. Petitioner has also prayed for a direction to the Governor, Reserve Bank of India, Mumbai/third respondent, to initiate appropriate action against the officials of the respondents 1 and 2 for their inaction.

3. From the materials available on record, it could be deduced that the petitioners, through his counsel had sent lawyers' notice, dated 14/9/2017, to the Chairman, State Bank of India, Mumbai, with a copy marked to many authorities, including the Hon'ble Prime Minister, New Delhi, the Hon'ble Minister of Finance, New Delhi, Governor, Reserve Bank of India, Mumbai, including the Joint Director, Central Bureau of Investigation (CBI), Chennai and others. In the first portion of the prayer made in this writ petition, petitioner wants action to be taken against the officials of the State Bank of India, Kancheepuram, by the Chairman, State Bank of India, the second respondent, and in the latter portion, seeks action against the officials of the Chairman, State Bank of India, Mumbai, for their inaction. In the case on hand, a complaint,

dated 31/8/2017, has already been addressed to the Superintendent of Police, Kancheepuram. If action on the said complaint has not been taken, it is always open to the petitioners, to seek recourse before the higher authority or competent forum.

4. Mr.Shankar Narayanan, learned Senior Counsel submitted that debt is not disputed, but irregularities required to be enquired.

5. In the light of the above, mandamus as sought for cannot be issued. Accordingly, this writ petition is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

To

1. The Branch Manager
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Kancheepuram 603 502.
2. The Chairman
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MN(CO)
NR 15/11/2017