



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.05.2017

CORAM:

THE HON'BLE MR.JUSTICE N.SESHASAYEE

W.P(MD) No.9275 of 2017

Mubarak Ali

: Petitioner

-vs-

1.The Secretary to Government,
Ministry of Finance,
Central Government,
New Delhi.

2.The Manager,
The Canara Bank,
Thuraiyur Branch,
Trichy District.

3.The Manager,
The Repco Bank Ltd.,
Trichy Main Branch,
Trichy District.

4.The Manager,
The State Bank of India,
RASMECCC Branch,
Trichy District.

5.K.Maheswari

6.S.Krishnamurthy

7.R.Sugumar

8.S.Jayanthi

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, to consider the petitioner representation, dated 04.05.2017 and to direct the 1st respondent to take necessary action against the respondents 5 to 8.

For Petitioner : Mr.S.Krishnan

For 1st Respondent : Mr.K.R.Laxman

For R3 and R4 : Mr.Pala Ramasamy

**ORDER**

The petitioner has come forward with this petition to issue a Writ of Mandamus, directing the respondents 1 to 4 to consider his representation, dated 04.05.2017.

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2.It is the allegation of the petitioner that a property that was originally purchased by his father was being fraudulently dealt with by those who said to be the heir of his father's vendor and such purchasers under such transactions are obtaining loan repeatedly from the respondents 2 to 4 on the security of the said property. In this connection, a suit has already been filed in O.S.No.21 of 2005 on the file of the District Court, Trichy and now, it is pending as O.S.No.51 of 2011 before the Sub Court, Trichy. In that suit, two reliefs have been sought for. One for setting aside the purported cancellation of the sale in favour of the petitioner's father and another for partition. In an application filed for interim injunction not to alter the physical features of the property, the trial court has passed an order of status quo. It is, in this backdrop, the petitioner has come forward with the representation, dated 04.05.2017 alleging the fraudulent act committed by the respondents 5 to 8.

3.An effective remedy, in the opinion of this court, lie to the petitioner by approaching the civil court where the suit is pending and a direction to consider the representation by the banks may not be adequate remedy. Having stated thus, nothing precludes the petitioner from informing the banks about what he perceives as fraudulent transactions, but still remedy lie with the civil court and the petitioner, if he so considers it appropriate, may move the civil court and when, it is so done, the trial court shall consider and dispose the matter as expeditiously as possible.

4.With the above direction, this writ petition is disposed of . No costs.

Sd/-
Vacation Officer

/True Copy/

Sub Assistant Registrar

To

The Ministry of Finance,
The Secretary to Government,
Central Government,
New Delhi.

+1cc to M/s. S.KRISHNAN Advocate in SR. NO.56859

<https://hcservices.ecourts.gov.in/hcservices/>

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