

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.04.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.27554 of 2014

and

M.P.No.1 of 2014

WE CAN

A Public Charitable Trust,
Represented by its Managing Trustee,
Mr.Chezhiyan

S/o.Mr.K.C.Subramani

No.5/564, Kammalar Street,

Kadaladi Post,

Kalasapakkam Taluk,

Thiruvannamalai District.

..Petitioner

Vs

1.Regional Manager,

Indian Overseas Bank,

Regional Office, Pondicherry,

No.42/1, Brahmins Street,

Mudaliarpeta,

Pondicherry - 605004.

2.The Branch Manager,

Indian Overseas Bank,

Kanji Branch,

Tiruvannamalai Dt.-606702.

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Certiorarified Mandamus, calling for the records pertaining to the order in Reference No.Nil dated 6-2-2014 passed by the 2nd respondent and quash the same and consequently direct the 2nd Respondent to permit the petitioner to open a Savings Bank Account in the name and style of "WE CAN" a Public Charitable Trust as to operate the same as a Trust Account by processing the application of the petitioner dated 3-1-2014.

For Petitioner :Mr.PG.Thiyagu

For R1 & R2 :Mr.Y.Jyothish chander

O R D E R

The relief sought for in this writ petition is to quash the order of rejection in relation to the claim of the writ petitioner for opening a bank account with the second respondent /Indian Overseas Bank, Kanchi Branch, Tiruvannamalai is under challenge in this writ petition.

2. The grievances of the writ petitioner is that the respondents have refused to open a bank account in the name of the writ petitioner trust. Thus, they are constrained to move this present writ petition.

3. The learned counsel appearing on behalf of the respondents states that a condition stating that it is a irrevocable trust has to be incorporated in the trust deed for the purpose of opening an account.

4. The learned counsel appearing on behalf of the petitioner further states that large number of trusts are registered and the respondent bank being a nationalized bank is to ensure the genuinity of such bank account to avoid irregular transactions and other aspects of the matter. Thus, the respondents have insisted to incorporate a clause stating that the petitioner trust is irrevocable one.

5.The learned counsel for the petitioner further states that they will incorporate such a clause in the trust deed and thereafter, a fresh application would be submitted for opening an account by the petitioner trust.

6.In this view of the matter, the petitioner is at liberty to comply with the conditions as stipulated by the respondents bank and thereafter, submit a fresh application for opening an account. In the event of filing such an application the respondents are directed to consider the same and pass an appropriate order on merits and in accordance with law.

7.With these observations, this writ petition stands disposed of. Consequently, the connected Miscellaneous Petition is closed. However, there is no order as to costs.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

maya/ggi
To

1.Regional Manager,
Indian Overseas Bank,
Regional Office, Pondicherry,
No.42/1, Brahmins Street,
Mudaliarpeta,
Pondicherry - 605004.

2.The Branch Manager,
Indian Overseas Bank,
Kanji Branch, Tiruvannamalai Dt.,

+1 CC to Mr.Y.Jyothish chander , Advocate sr 29376.

+1 CC to M/s.P.G. Thiyagu, Advocate sr 29716.

W.P.No.27554 of 2014

NRI (CO)
SP(09/05/2018)



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