



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

WEB COPY

W.P. (MD) No.18963 of 2018andW.M.P. (MD) Nos.16787 to 16789 of 2018

The Prist University,
represented by its Managing Trustee,
No.33-34, Natarajapuram South,
Medical College Road,
Thanjavur-9.

... Petitioner

vs.

The Branch Head,
City Union Bank Ltd.,
Thanjavur,
1658, South Main Street,
Thanjavur.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified Mandamus calling for the records relating to the impugned order of the respondent dated 18.08.2018 and quash the same and consequently direct the respondent herein to de-freeze the account of the petitioner and consequently forbearing the respondents from any way freezing the account of the petitioner or preventing the petitioner from transacting the accounts of the petitioner with the respondent bank.

For Petitioner : Mr.Veera Kathiravan
Senior Counsel
for M/s.Veera Associates

For Respondent : Mr.R.Pandivel

ORDER

The writ petition is filed against the action taken by the respondent Bank in freezing the account by their proceedings dated 18.08.2018.

2. Admittedly, the respondent is not a Nationalised Bank, but a private bank and therefore, it is not amenable to the writ jurisdiction of this Court under Article 226 of the Constitution of India. By no stretch of legal standard the respondent Bank can be defined as State within the meaning of Article 12 of the Constitution of India.



3. The learned Senior Counsel attempted to argue that the Bank is governed by the guidelines issued by the Reserve Bank of India and therefore, it is amenable to the writ jurisdiction.

4. This Court is unable to appreciate the arguments advanced by the learned Senior Counsel. If such an argument is to be accepted, then practically the writ would lie against all private bodies and the definition as contained in Article 12 of the Constitution of India will have no constitutional meaning and thrust. Therefore, this Court is of the considered view that the writ petition is not maintainable as against the respondent. Accordingly, the same is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are also dismissed. It is always open to the petitioner to work out their remedy in a manner known to law, if the petitioner is so advised.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-III)

+1CC to Mr.R.Pandivel, Advocate, SR.No.81389

+1CC to M/s.Veera Associates, Advocate, SR.No.82052

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SSL

ES/PM/SAR 3/03.10.2018/2P/3C