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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 12.06.2019

Pronounced on : 28.08.2019

CORAM:

THE HONOURABLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 16229 of 2019

and

W.M.P. No. 15936 of 2019

M/s. Glamorama Furnishing Studio,
Rep. by its Managing Partner,
Mr. Ritesh Elchiwala,
S/o. Harish Elchiwala,
3/2, "House of Glamorama",
Murray's Gate Road,
Venus Colony, Alwarpet,
Chennai - 600 018.

... Petitioner

-vs-

1. The General Manager,
IDBI Bank,
New No. 4, Old No. 28,
Abiramapuram 1st Street,
Alwarpet, Chennai - 600 018.
2. The Branch Head,
Deputy General Manager - IDBI Bank,
New No. 4, Old No. 28,
Abiramapuram 1st Street,
Near Mangalam Motors,
Alwarpet, Chennai - 600 018.

3. Mrs. Darsha Manek

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus to call upon the impugned notice dated 16.03.2019 and to quash the same and consequently direct the First Respondent to defreeze the IDBI Current Account bearing No. 0022102000015640 in the name of Glamarama Home Fashion within the period as stipulated by this Court.

For Petitioner : M/s. Nathan and Associates

O R D E R

Heard M/s. Nathan and Associates, Learned Counsel for the Petitioner and perused the materials placed on record, apart from the pleadings of the parties.



2. The Petitioner, viz., Glamorama Furnishing Studio, is a partnership firm represented by its Managing Partner, viz., Ritesh Elchiwala, and the Third Respondent, viz., Darsha Manek is the other Partner. The said Ritesh Elchiwala and the Third Respondent had opened Bank account with the Second Respondent, viz., IDBI Bank, Abiramapuram, Chennai in the name of the said partnership firm of the Petitioner. The Second Respondent by a letter dated 27.05.2019 informed the Petitioner that in view of the written objections by the Third Respondent countermanding the operations in the account of the Petitioner with the Second Respondent, there was no other option, but to place the account on debit freeze as per its account operations policy. It was further advised to them to inform in writing with their signatures about the future modes of operation in the account and that till such instructions or court orders are received to the contrary, operation in the account of the Petitioner will not be allowed. Aggrieved thereby, the Petitioner has filed this Writ Petition challenging the said letter and has sought for a consequential direction to the First Respondent, who is the Controlling Authority of the Second Respondent, to de-freeze the Current Account bearing No. 0022102000015640 in the name of the Petitioner.

3. It would be evident from the aforesaid narration of facts as well as the averments filed in support of the Writ Petition that the real controversy between the parties is essentially a private dispute between the said Ritesh Elchiwala and the Third Respondent, who are the husband and wife, which has to be decided only before the Civil Court and it would be in abuse of judicial process to invoke the public law remedy provided under Article 226 of the Constitution for adjudicating the same. That apart, there does not appear to be any infirmity in the prudent and unbiased decision of the First and Second Respondents for warranting interference in the exercise of discretionary powers under Article 226 of the Constitution. This Court is fortified in taking that view by the ruling of the Hon'ble Supreme Court of India in GRIDCO Limited -vs- Sadananda Doloi [(2011) 15 SCC 16], in which it has been aptly held as follows:-

"39. A writ court is entitled to judicially review the action and determine whether there was any illegality, perversity, unreasonableness, unfairness or irrationality that would vitiate the action, no matter the action is in the realm of contract. Having said that we must add that judicial review cannot extend to the Court acting as an appellate authority sitting in judgment over the decision. The Court cannot sit in the armchair of the Administrator to decide whether a more reasonable decision or course of action could have been taken in the circumstances. So long as the



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action taken by the authority is not shown to be vitiated by the infirmities referred to above and so long as the action is not demonstrably in outrageous defiance of logic, the writ court would do well to respect the decision under challenge."

In the aforesaid circumstances, there does not appear to be any justification to entertain this Writ Petition. It is clarified that the refusal of this Court to entertain this Writ Petition does not preclude the right of the Petitioner to agitate its claim before the competent forum uninhibited and uninfluenced by any of the observations made in this order, which does not touch upon the merits of the contentious issues between the Petitioner and the Third Respondent.

4. Resultantly, the Writ Petition is dismissed at the stage of admission. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (CS-VIII)

// True Copy//

Sub Assistant Registrar

vjt

To

1. The General Manager,
IDBI Bank,
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2. The Branch Head,
Deputy General Manager - IDBI Bank,
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+1CC to M/s. Nathan and Associates, Advocate, SR.No.74293.

W.P. No. 16229 of 2019

JP (CO)

CSR: 07/01/2020