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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.9736 of 2017

S.Venkatesan

.. Petitioner

Vs.

The Regional Director of Tamilnadu
Reserve Bank of India,
South Zone Office,
No.16, Rajaji Salai,
Chennai - 600 001.

.. Respondent

PRAYER: Writ Petition filed Article 226 of the Constitution of India seeking for issuance of writ of mandamus to direct the respondent to exchange the Old Currency Notes as per petitioner's representation dated 15.03.2017 within time frame.

For Petitioner : Mr.K.Sudhakar

For Respondent : Mr.C.Mohan

For M/s.King and Partridge

ORDER

This writ petition has been filed for a mandamus to direct the respondent to exchange old currency notes as per his representation dated 13.03.2017 within the stipulated time.

2. The case of the petitioner is that the currency notes belonging to him were stolen and he lodged a complaint and the same was registered as Crime No.273 of 2013 before the Sunguvarchatiram Police Station. The police officials conducted the investigation and filed a final report under Sections 379 and 414 of IPC. The accused person contested the case and after trial, the District Munsif cum Judicial Magistrate at Sriperumbudur had acquitted the accused for the said charges vide judgment dated 29.12.2016. As per the said judgment, the case properties namely Lorry engine, Radiator and cash of Rs.1,40,000/- were directed to be returned to the petitioner. The petitioner filed CMP.No.169 of 2017 in C.C.No.60 of 2015 on the file of the District Judicial Magistrate, Sriperumbudur seeking return of the above said amount and other goods. After enquiry, the learned District Munsif cum Judicial Magistrate, Sriperumbudur allowed the



petitioner's application on 15.02.2017. Accordingly, the petitioner received a sum of Rs.1,40,000/- (old currency notes) from the court of District Munsif cum Judicial Magistrate, Sriperumbudur.

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3. It is also the case of the petitioner that when he went to the respondent office with a request to exchange the old currency notes (Rs.1000/- and Rs.500/-), the respondent refused to exchange the old currency notes due to demonetisation and lack of rules regulating the exchange of old currency notes.

4. The learned counsel for the respondent drew the attention of this Court to the Specified Bank Notes (Deposit of Confiscated Notes) Rules 2017 which were framed subsequent to the demonetisation which came into effect from 12.05.2017. According to the respondent, when the petitioner approached the respondent, the above referred rules were not in existence and therefore, the respondent was not in a position to exchange the old currency notes of the petitioner. Since the rules have now been framed, the respondent is willing to exchange the old currency notes of the petitioner subject to the fulfilment of the conditions mentioned in the said rules as well as the operational instructions of the Reserve Bank of India.

5. The learned counsel for the respondent also drew the attention of this Court to the order passed in an identical matter in W.P.No.5441 of 2018 by order dated 05.02.2019 and the judgment dated 23.03.2018 passed in W.A.Nos.409 and 445 of 2018, wherein this Court had directed the petitioner therein to exchange the old currency notes by fulfilling the conditions imposed in the Specified Bank Notes (Deposit of Confiscated Notes) Rules 2017 and the operational instructions of the Reserve Bank of India dated 25.05.2017.

6. The operational instructions of the Reserve Bank of India dated 25.05.2017 are extracted hereunder:

"3. The operational procedures for the above shall be as under :

(1) Documents and scrutiny thereof

i. An application (containing details of court order, serial number and denominational details of SBNs, bank account details, etc.) shall be obtained from the tenderer.

ii. On receipt of tender, the original court order shall be scrutinized and authenticity of the same shall be confirmed from the court/law enforcement agency concerned.

iii. Identification of the person authorized to tender SBNs, shall be checked with any valid identity proof.

iv. Verification of documents with regard to



serial numbers of the SBNs, as specified in para (2)-(a) and (c) shall be carried out.

v. In case of eligible individuals, PAN card, Form 16 in Original shall be seen.

vi. Self certified copies of all the above documents shall be obtained and on satisfactory verification with the originals, the copies shall be stamped as seen and initialed by the scrutinizing official."

7. The petitioner has furnished the details of the currency notes with serial numbers in the typed set of papers which is detailed hereunder:

Rs.1,000 x 100 = Rs.1,00,000/- Denomination Details

Sl. .N o.	Number	Sl. No.	Number	Sl. No.	Number	Sl. .N o.	Number
1	5AN573649	26	0CN117363	51	2AM805065	76	3BB009868
2	5CD105158	27	3AF924319	52	2BU950433	77	3BB009870
3	1FC969909	28	9DU864213	53	2AF692140	78	1BD486298
4	7AU960794	29	7BL266644	54	5CB019517	79	5AV408339
5	5DL278108	30	6DS758199	55	8AN568669	80	8AE994731
6	8AM505352	31	5DK973505	56	9AQ884887	81	9HA696622
7	4AG880248	32	8CF971056	57	6AF626157	82	1BV183461
8	4BP806795	33	1AL504705	58	9DB353206	83	0CE549073
9	2CT402963	34	0BR527840	59	4CR660935	84	3CT642583
10	2DD611803	35	5CH507300	60	6BQ534197	85	5DR052495
11	5BH309798	36	6DW258767	61	8BF809256	86	5BM986067
12	8BF681454	37	3DC883946	62	7AT110858	87	4EE000624
13	4GB369588	38	1CC743482	63	1EA807036	88	7BU589086
14	9DH110289	39	6CT339654	64	4CD077156	89	2CH009814
15	5AH249823	40	4EA428937	65	2BA105994	90	2AH938963
16	8AN523720	41	2BD205449	66	9DU560548	91	5AV302730
17	0CP287206	42	8BH614149	67	2BT128547	92	9CS731284
18	4CN526026	43	5EC069736	68	2CA836169	93	1BR861481
19	8GP278904	44	9CM298340	69	7BG953767	94	5AU765739
20	8DN019373	45	5CF395345	70	2DP410241	95	9DQ202231
21	7CT260169	46	2DL721481	71	9CM841944	96	0AS197166
22	0AQ473578	47	6AP154875	72	0CV624356	97	0AS197167
23	4GP787287	48	5BQ186964	73	5AG802485	98	1CF017127
24	2BE647753	49	3DH300921	74	2BR749604	99	3CD375571
25	1DG926205	50	1CA757126	75	3DH148971	100	8BA391312



Rs.500 x 80 = Rs.40,000/- Denomination Details

Sl. No.	Number	Sl. No.	Number	Sl. No.	Number	Sl. No.	Number
1	0QD380075	26	7AW267207	51	7RT180366	76	6HM576987
2	3DH152729	27	2BC563833	52	9NH749645	77	1BB833509
3	2CB506442	28	8GK012168	53	3NS543478	78	0HP844148
4	6EF678817	29	7EN388259	54	5QR281023	79	6CA967217
5	4CA840988	30	2AL306715	55	8DA593117	80	9BW610746
6	4CA840989	31	7FS364324	56	2PM949869	$1000 \times 100 = 1,00,000/-$ $500 \times 80 = 40,000/-$ $\text{Total} = 1,40,000/-$	
7	7DL661252	32	7AF603566	57	8LB433168		
8	3BH835380	33	5GW313080	58	4GN645762		
9	4BH704709	34	6BG380968	59	7AF731028		
10	8RG710887	35	8AP217751	60	3AL375133		
11	3MM088749	36	5TB783782	61	7CL229492		
12	0CM939384	37	0DC542707	62	7BH120724		
13	0SH557198	38	9KA046844	63	6LP016754		
14	8ES277165	39	1DC476220	64	9FB210976		
15	9FP772379	40	7SG437690	65	3DM242737		
16	2AL929757	41	1TQ174760	66	3MS446963		
17	7FP195109	42	4FR674307	67	1MB465307		
18	0AQ981946	43	0CB419902	68	4QU234398		
19	5HR514439	44	9CW491917	69	4GA607485		
20	1BU481887	45	6DT130691	70	8CE819283		
21	9RG238934	46	3FS029606	71	3BB523054		
22	3CK118377	47	1KD896305	72	2FM999620		
23	5FS393523	48	3BH897950	73	0CA693276		
24	9CF333737	49	3CF563598	74	8ND243612		
25	5KM195554	50	9TG324326	75	6RL758506		

8. For the foregoing reasons, this Court directs the respondent to exchange the old currency notes of the petitioner as per the aforesaid list within a period of four weeks from the date of submission of currency notes by the petitioner along with the certified copy of this order, subject to the fulfilment of the conditions under the Specified Bank Notes (Deposit of Confiscated Notes) Rules 2017 and the operational instructions of the Reserve Bank of India.



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9. With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

The Regional Director of Tamilnadu
Reserve Bank of India,
South Zone Office,
No.16, Rajaji Salai,
Chennai - 600 001.

+1cc to M/s.King and Partridge , Advocate SR.No. 100782
+1cc to Mr.K.Sudhakar , Advocate SR.No. 101135

W.P.No.9736 of 2017

A.SK(11/12/2019)