IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 4.2.2019

CORAM:

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.31833 of 2018

A.Kasthuri ... Petitioner

Vs.

1.The Manager
State Bank of India
Solur Branch
By-Pass Salai
Ambur - 635 802

2.General Manager
State Bank of India
Circle Top Office
No.16, College Lane
Chennai - 600 006 ... Respondents

Writ Petition filed under Article 226 of the Constitution of India for a writ of mandamus, directing the respondents to shift the State Bank of India, Solur Branch, functioning at Bye-Pass Road, Ambur to Solur Village, Ambur Taluk, Vellore District.

For Petitioner : S.Thamizharasi

For Respondent : Mr.M.Devaraj,
Standing Counsel for SBI
for R1 and R2

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ORDER

(delivered by SUBRAMONIUM PRASAD, J)

The petitioner has filed the instant public interest litigation petition for a direction to the respondents being the Manager and the General Manager of State Bank of India, to shift State Bank of India, Solur Branch, functioning at Bye-Pass Road, Ambur to Solur Village, Ambur Taluk, Vellore District.

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2. The petitioner has filed this writ petition on the following averments:

> 2.1. The respondents bank was functioning in Solur village. There are about 2000 family card holders in the village and the total voters in Solur Panchayat is more than 4,600 and the total population of the village is 15,000. It is stated that there are ten big industries in Solur village and there are 8,000 workers are coming to Solur village.
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> 2.2. It is further stated that there is also a polytechnic college, wherein more than 1000 students are studying. There are more than 50 woman Self Help Groups functioning in Solur village.
>
> 2.3. The petitioner states that the branch which was operating from Solur Village, has been shifted to Ambur Town and is functioning at Bye-Pass Road of Ambur Town, which is at a distance of 3 Kms from Solur village Panchayat. It is further stated that, travel to Ambur Town is 3 Kms, the petitioner has to spend many hours to reach the bank. It is stated by the petitioner that she has sent a representation dated 1.12.2017.

3. This court on 3.12.2018, directed the petitioner to serve papers on the Standing Counsel for State Bank of India.

4. Heard the learned counsel for the parties and perused the materials available on record.

5. The learned counsel for the petitioner, apart from reiterating the averments made in the writ petition, has also stated that the decision to shift the branch is contrary to the guidelines - objectives for licensing of payment banks as per Reserve Bank of India. The learned counsel drew our attention to clause 13 of the Guidelines for Licensing of Payment Banks. The said clause is reproduced hereunder:

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> 13. Other conditions:
>
> i. The payments bank shall operate in remote areas mostly through BCs, ATMs and other networks. Therefore, the requirement of opening of at least 25 per cent of branches in unbanked rural centres (population up to 9,999 as per the latest census), is not stipulated for them. However, the payments

bank will be required to have at least 25 per cent of physical access points including BCs in rural centres. Further, a controlling office for a cluster of access points should also be established for control over various outlets and customer grievance redressal.

ii. The operations of the bank should be fully networked and technology driven from the beginning, conforming to generally accepted standards and norms; while new approaches (such as for data storage, security and real time data updation) are encouraged, a detailed technology plan for the same should be furnished to RBI.

iii. The bank should have a high powered Customer Grievances Cell to handle customer complaints. The payments bank will come under the purview of RBI's Banking Ombudsman Scheme, 2006.

iv. The compliance of terms and conditions laid down by RBI is an essential condition of grant of licence. Any non-compliance will attract penal measures including cancellation of licence of the bank.

6. Per contra, the learned standing counsel for State Bank of India, submitted that the branch has only been shifted by 3 Kms. He also stated that there was no scope for business development in Solur village. It was also stated that the lease period of the building from where the bank was functioning, is over. The learned counsel for the respondents, therefore, prayed for dismissal of the writ petition.

7. At the outset, it is to be mentioned that the petitioner has no right to claim where the bank should be situated. It is purely up to the bank to decide from where the bank must operate. The courts cannot interfere and pass writs of mandamus directing banks to open branches at a particular place. Admittedly, the bank has been shifted only 3 Kms away, which is walkable distance. The lease period for the bank has come to an end. Guidelines on which the petitioner relied on, has no statutory force and in fact, this guideline has no relevance to the facts of this case. There is no statutory right or any legal right available to the petitioner to demand as to from where the banks must function. This is purely a policy decision of the bank, which cannot be interfered with under Article 226 of the Constitution of India. This writ petition is nothing but an abuse of process of law.

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Writ petition is therefore not maintainable and hence dismissed. However, there shall be no order as to cost.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

+1cc to M/S.M.Devaraj, Advocate sr.9431

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