

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE:25.06.2019

CORAM

THE HON'BLE MR.JUSTICE V.PARTHIBAN

WRIT PETITION NO.29772 OF 2018

&

W.M.P.NO.34743 OF 2018

S.P.Sreenivas

...Petitioner

Vs.

1. The Secretary to Government,
Ministry of Home Affairs,
North Block, Cabinet Secretariat,
Raisina Hill,
New Delhi - 110 001.
2. The Chairman, Repco Bank,
No.33, North Usman Road,
T.Nagar,
Chennai - 600 017.
3. Central Vigilance Commissioner,
Central Vigilance Commission,
Satarkata Bhavan, A-Block, GPO Complex,
New Delhi - 110 023.
4. Chief Vigilance Officer,
Ministry of Home Affairs,
North Block,
New Delhi - 110 001.
5. Chief Vigilance Officer,
Repco Bank, Head Office,
No.33, North Usman Road, T.Nagar,
Chennai - 600 017.
6. Repco Home Finance Limited,
rep by its Chairman,
3rd Floor, Alewxander Square,
2/34, Sardar Patel Road, Guindy,
Chennai - 600 032.

7. Mrs.R.S.Isabella

...Respondents

Writ Petition filed under Article 226 of Constitution of India, for issuance of writ of mandamus directing the respondents 1 to 6 to consider the complaints and investigate the same as made by the petitioner on 16.08.2016, 18.01.2017, 15.03.2017, 30.04.2017 and 05.10.2018 take necessary action against the seventh respondent Mrs.R.S.Isabella, in accordance with law.

For Petitioner : Mr.M.L.Ramesh, for
G.Kumudjhabak

For Respondents : Mr.C.V.Ramachandramurthy,
Senior Central Government Standing
Counsel (for R.1),
Mr.Om Prakash, Senior Counsel
for Mr.A.Ilangovan (for R.2, 5 & 6)
Mr.Venkataswamy Babu,
(for R.3 & R.4)
Mr.A.R.L.Sundaresan, Senior Counsel
for Mr.D.Manoj Kumar,
(for R.7)

ORDER

The present writ petition has been filed seeking a direction to respondent Nos.1 to 6 to enquire into the complaints made by the petitioner against the seventh respondent in discharge of her duties as Managing Director of the second respondent/Bank.

2.According to the petitioner, the seventh respondent committed several irregularities in her capacity as the Managing Director of the second respondent/Bank in disbursing loan amounts and granting waiver without following the banking regulations.

3.Notice was ordered in the writ petition. The fourth respondent, who is the Chief Vigilance Officer, Ministry of Home Affairs, North Block, New Delhi, has filed a counter affidavit stating that the Vigilance Officer of the fifth respondent has been directed to investigate into the complaints and on the basis of the direction, the fifth respondent has concluded that there are no materials and there is no basis in the complaints filed by the petitioner.

4.In any event, this Court is of the view that this kind of direction being sought to enquire into the complaints of the third party cannot be entertained by this Court under Article 226 of Constitution of India, since the bona fide of such

litigation is always under suspect. Except stating that the petitioner is a shareholder of the sixth respondent company, which is an independent company, namely Repco Home Finance Limited, nothing has been stated in the affidavit. The petitioner has no locus standi to file such complaint and seek intervention of this Court. It appears that the petitioner has some axe to grind as against the seventh respondent and such private dispute against each other cannot be settled by this Court under Article 226 of the Constitution of India.

5. Even otherwise, such blanket direction cannot be given at the instance of one party as against the other, as that may undermine and prejudice the interest of the other party, against whom the complaint is sought to be investigated, at the instance of the petitioner. In any event, it is always open to the petitioner to workout his remedy in the manner known to law. But certainly, it is not open to the petitioner to maintain this writ petition with the prayer as sought in the writ petition.

6. In the result, the writ petition is not maintainable and the same is dismissed. No costs. Consequently, connected miscellaneous petition is dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrm/msk

To

1. The Secretary to Government,
Ministry of Home Affairs,
North Block, Cabinet Secretariat,
Raisina Hill, New Delhi - 110 001.
2. The Chairman, Repco Bank,
No.33, North Usman Road,
T.Nagar, Chennai - 600 017.
3. Central Vigilance Commissioner,
Central Vigilance Commission,
Satarkata Bhavan, A-Block, GPO Complex,
New Delhi - 110 023.

4. Chief Vigilance Officer,
Ministry of Home Affairs,
North Block, New Delhi - 110 001.

5. Chief Vigilance Officer,
Repco Bank, Head Office,
No.33, North Usman Road, T.Nagar,
Chennai - 600 017.

6. The Chairman,
Repco Home Finance Limited,
3rd Floor, Alewxander Square,
2/34, Sardar Patel Road, Guindy,
Chennai - 600 032.

+1cc to Mr.M.L.Ramesh, Advocate, S.R.No.52612

+1cc to Mr.A.Ilangovan, Advocate, S.R.No.52806

+1cc to Mr.C.V.Ramachandramurthy,SPC, Advocate,S.R.No.53249

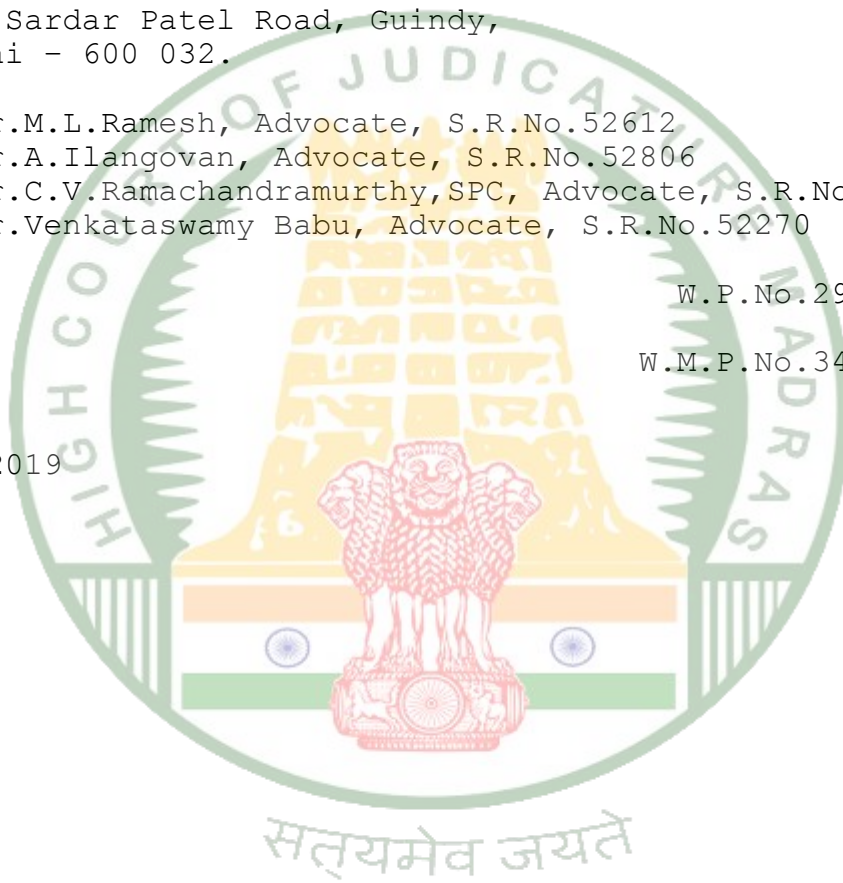
+1cc to Mr.Venkataswamy Babu, Advocate, S.R.No.52270

W.P.No.29772 of 2018

&

W.M.P.No.34743 of 2019

CA (CO)
CS/30/07/2019



WEB COPY