

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.Nos.19771 & 19506 of 2013

and

M.P.No.1 of 2013 in W.P.No.19771 of 2013 &
M.P.Nos.1 to 3 2013 in W.P.No.19506 of 2013

1. K.K.Shengodan
2. S.Sabithaa

... Petitioners in both W.Ps.

.vs.

1. The Assistant General Manager,
State Bank of India,
Erode Branch, D-48 State Bank Road,
Erode-638001.
2. The Chief Manager,
State Bank of India,
URC Nagar, Branch 100/2
Perundurai Road, Erode.
3. The Regional Manager,
State Bank of India,
Regional Office,
NPA Management Circle Office,
State Bank Road / Huzur Road,
Coimbatore-641018.
4. The Officer-in-Charge,
Office of the Banking Ombudsman,
Reserve Bank of India Building (II floor),
Fort Glacis, 16 Rajaji Salai,
Chennai-1.

...Respondents in both W.Ps.

Prayer in W.P.No.19771 of 2013 : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records pertaining to the order dated 30.4.2013 passed by the 4th respondent in Complaint No.C-4687/2012-13 against SBI quash the same.

Prayer in W.P.No.19506 of 2013 : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to

the letter dt: 18.3.2013 issued by the 1st respondent quash the same and consequently direct the respondents 1 to 3 to cancel the Lien Mark and the Set-off made in the SB A/C 31190061349 of the 1st petitioner operating with the 2nd respondent forthwith re-transfer the sum of Rs.2,56,740/- into the SB A/C 31190061349 of the 1st petitioner operating with the 2nd respondent forthwith and further direct the respondents 1 to 3 to pay jointly and severally a sum of Rs.5 Lakhs or any other amount as may be fixed by this Honourable Court as compensation to the petitioners for the mental agony loss of image and reputation suffered by them.

Petitioners in person
in W.P.No.19771/2013 : No appearance

For petitioners
in W.P.No.19506/2013 : No appearance

For R1 in both W.Ps. : Mr.S.Sethuraman

For RR 2 to 4
in both W.Ps. : Served - No appearance

COMMON ORDER

These writ petitions are heard through Video-Conferencing, on account of the COVID-19 pandemic situation.

2. The writ petition in W.P.No.19771 of 2013 is filed challenging the order of the Ombudsman, which had closed the complaint of the petitioners.

2.1. The other writ petition in W.P.No.19506 of 2013 is filed to call for the records pertaining to the letter dated 18.03.2013 issued by the first respondent and quash the same and for consequential directions.

3. Even in the last occasion, the learned counsel appearing for the petitioners stated that the bundles have been taken back by the petitioners, which was recorded and the Registry was directed to print the names of the petitioners in the cause-list. Even today, there is no representation for the petitioners either in person or through counsel.

4. However, Mr.Sethuraman, the learned counsel appearing for the first respondent stated that against the order passed by the Ombudsman, from 2017 an appeal is provided before the Deputy Governor of Reserve Bank of India within a period of 30 days. If the parties are so interested, it is open to them to prefer an appeal before the Deputy Governor, Reserve Bank of India, if it

is otherwise maintainable.

5. As the petitioners are absent, these Writ Petitions are dismissed for non prosecution. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

To Sub Assistant Registrar

1. The Assistant General Manager,
State Bank of India,
Erode Branch, D-48 State Bank Road,
Erode-638001.
2. The Chief Manager,
State Bank of India,
URC Nagar, Branch 100/2
Perundurai Road, Erode.
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State Bank of India,
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Reserve Bank of India Building (II floor),
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+1cc to Mr.S.Sethuraman, Advocate, Sr.No.31477

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spd (co)
rr ii (19/10/2020)