

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.15806 of 2016

Sri Nandhanam Educational and
Social Welfare Trust, Tirupattur - 635 601
Vellore District, Rep by its Chairman
P.M.N.Mohan Krishnaa,
S/o.P.M.M.Nandha Gopal

... Petitioner

Vs

The Chief Managing Director
Tamil Nadu Mercantile Bank Ltd.,
Tirupattur Branch Office,
NO.4A, Sivanaar Street,
Tirupattur - 635 601, Vellore District

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus, directing the respondent to allow the petitioner to operate the bank accounts standing in the name of educational institutions run by the petitioner-Trust and for withdrawal of the amount lying in the respondent-Bank to the tune of Rs.3,81,055/- immediately based on the representation submitted by the petitioner dated 22.09.2015 within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondent : Mr.K.N.Chinnakrishnan

ORDER

The petitioner has sought for a direction to the respondent to allow the petitioner to operate the bank accounts standing in the name of educational institutions run by the petitioner-Trust and for withdrawal of the amount lying in the respondent-Bank to the tune of Rs.3,81,055/- immediately based on the representation submitted by the petitioner dated 22.09.2015 within a time frame to be fixed by this Court.

2. The petitioner claims to be the Chairman of Sri Nandhanam Educational Trust, which is running several educational institutions. The father of the petitioner, namely, P.M.M.Nandha Gopal was the Founder Chairman of the Trust. After his death in an accident, his son, namely, P.M.N.Mohan Krishnaa, assumed the Office of the Chairmanship as per the Trust Board Resolution dated 29.06.2012. The petitioner had deposited money with the respondent-Bank in various accounts amounting to Rs.3,81,055/-.

3. While so, there were disputes among the members of the Chairman-Trust, namely, the present Chairman, P.M.N.Mohan Krishnaa, and also his brother and several suits and writ petitions were filed. According to the petitioner, there are other Banks, in which the petitioner's Trust has got accounts, have been allowing them to operate the bank accounts smoothly whereas, the respondent-Bank has frozen the account of the petitioner, as there were civil suits pending, disabling the petitioner to operate the bank account. Hence, the Writ Petition has been filed for a direction to the respondent to allow the petitioner to operate the bank accounts standing in the name of educational institutions which are run by the petitioner-Trust and also for withdrawal of the amount lying in the respondent-Bank to the tune of Rs.3,81,055/-.

4. The respondent-Bank has also filed a counter affidavit, in which, the account numbers of the various institutions owned by the Trust and also the amount available are indicated. In the counter affidavit also, the resolution of the Board nominating the petitioner as the Chairman is mentioned. The respondent has also furnished all the legal proceedings by the Trust, which were disposed of and pending. As the respondent-Bank was not a party to any of the proceedings and had been receiving all the conflicting information about the Trust and management, it was forced to freeze the account after informing the petitioner.

5. Now, admittedly all the proceedings before various Courts are over and no litigation is pending so far as that relates to the operation of the bank accounts. Even in the counter affidavit, it is stated by the Bank that as they have been receiving various claims and counter claims about the pendency of the suits against the trusteeship among the family members, it was forced to freeze the bank operations.

6. The learned counsel appearing for the respondent-Bank fairly submitted that all the litigations have come to an end and that there is no impediment for the petitioner-Trust to operate the bank accounts.

7. Recording the above statement made by the learned counsel for the respondent, the respondent-Bank is directed to permit the petitioner to operate the bank accounts standing in the name of various educational institutions run by the petitioner-Trust by the Chairman P.M.N.Mohan Krishnaa.

8. With the above directions, the Writ Petition is allowed, permitting the petitioner to operate the bank account. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

The Chief Managing Director
Tamil Nadu Mercantile Bank Ltd.,
Tirupattur Branch Office,
NO.4A, Sivanaar Street,
Tirupattur - 635 601, Vellore District

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