

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2020

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.5435 of 2020

and

W.M.P.No.6360 of 2020

R.Chandran,
S/o J.N.Rama Gowder,
Kil-Kundha Village,
Kundah Bridge Post,
The Nilgiris - 643 219
(rep. by Kundai Seemai as per
Resolution general body dt.19.08.2019) ... Petitioner

vs

1. The Branch Manager,
Nilgiris District Central Co-operative Bank,
Udhagamandalam,
Nilgiris District - 643 001.
2. The Branch Manager,
Central Bank of India,
Manjoor,
Kundha Bridge Post,
The Nilgiris - 643 219. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 1st and 2nd respondents to permit them to operate the accounts as per the representation dated 09.01.2020 given by the committee for operating the bank accounts as per resolution of the Kundai Seemai dated 19.08.2019.

For Petitioner : Mr.A.sakthivel

For Respondents : Mr.R.Bala Ramesh,
Standing Counsel for R1

O R D E R

This Writ Petition is filed for a Mandamus directing the respondents 1 and 2 to permit them to operate the accounts as per the representation dated 09.01.2020 given by the committee for operating bank accounts as per resolution of Kundai

Seemai dated 19.08.2019.

2. Heard the learned counsel for the petitioner and perused the materials placed before this Court.

3. It is claimed by the petitioner that he is a President of administrative committee of Kadai Hethai Amman Temple as per Resolution passed in the General body meeting held on 19.08.2019 and therefore, the petitioner is entitled to operate the bank accounts based on a resolution said to have been passed on 19.08.2019.

4. Perusal of the documents filed in support of the petition would show that the petitioner and another person have already filed O.S.No.74/2019 on the file of the Sub-Court, Udthagamandalam, seeking for the relief of declaration and permanent injunction against one R.Muurgesan who is not made as a party in this writ petition. It is seen from the prayer sought for in the above said suit that it is in respect of the very administration of Kadai Hethai Amman temple including the operation of the bank account by the administrative committee.

5. When such being the factual position and that the said suit is pending, the petitioner is not entitled to file a writ petition before this Court and seek for some interim relief, without resorting to seek such interim relief by way of filing interim application before the Court where the suit is pending. Therefore, this Court is not appreciating the action of the petitioner in approaching this Court and filing the writ petition, when admittedly the said suit is pending.

6. Thus, without expressing any view on the merits of the contentions raised by the petitioner, this Writ Petition is disposed of only by granting liberty to the petitioner to work out his remedy in the said Suit by filing appropriate interim application. If any such application is filed, it is for the Civil Court to consider the same and pass orders on merits and in accordance with law after hearing all the parties concerned. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Branch Manager,
Nilgiris District Central Co-operative Bank,
Udhagamandalam,
Nilgiris District - 643 001.

2. The Branch Manager,
Central Bank of India,
Manjoor,
Kundha Bridge Post,
The Nilgiris - 643 219.

+1cc to Mr.A.Sakthivel, Advocate, S.R.No.20172
+1cc to Mr.R.Balaramesh, Advocate, S.R.No.19110

W.P.No.5435 of 2020

VBA (CO)
RSI (21/05/2020)



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