



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2020

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THE HONOURABLE **MR. JUSTICE G.R. SWAMINATHAN**

W.P. (MD) No.12224 of 2020

M. Saravanan

... Petitioner

Vs.

1. The Branch Manager,
UCO Bank, Kombakonam Branch,
D.No.48/49, First Floor,
T.S.R. Big Street,
Kumbakonam, Tanjavur,
Tamil Nadu-612001.

2. Deputy General Manager,
Zonal Office, UCO Bank,
Vijay Towers, 1st Floor,
22 Father Randy Street,
R.S.Puram, Coimbatore,
Tamil Nadu-641002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Mandamus, to direct the respondent No.2 to instruct the respondent No.1 to allow withdrawal and defreeze the petitioner's Savings Bank Account bearing No.01130110013397 and F.D.R Joint account bearing No.01130310054666 with UCO Bank, Kumbakonam Branch.

For Petitioner : Mr.S.Kathiravan

For Respondents : Mr.Palaramasamy

ORDER

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents Bank.

2. The petitioner is having the petition mentioned Bank account with the first respondent Branch and the same has been frozen. To direct the respondents to de-freeze the said account, this writ petition has been filed.

3. This Court had already ordered notice to the respondents. The respondents have also filed their typed-set of papers. The learned Standing Counsel for the respondents Bank submitted that the petitioner is having some dispute with his erstwhile employer who is based in Kuwait and the petitioner's erstwhile employer is said to have given complaint alleging financial misappropriation by the petitioner. The Indian Embassy at Kuwait had received complaint from the petitioner's employer Dr.Mansour Benaih Khalaf Alorf. The Embassy had forwarded the same to the Superintendent of Police, Tanjore and a copy was marked to the Head Quarters of the Bank.



Based on the same, the respondents have frozen the Bank account.

4.To freeze one person's Bank account certain procedures will have to be adopted. In the case on hand, no such procedure has been adopted. Merely because a complaint had been made by a foreign national to the Indian Embassy, it cannot be a basis for taking the impugned action. The jurisdictional Police have not proceeded to attach the Bank account in the course of investigation. No Court has passed an order for attaching the Bank account. There cannot be a third mode of attachment. Therefore, I hold that the respondents are not justified in continuing to keep the petitioner's Bank account frozen. The respondents are directed to de-freeze the petitioner's Bank account.

5.The writ petition stands allowed, on these terms. No costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gns

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Branch Manager,
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2.Deputy General Manager,
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Tamil Nadu-641002.

+3 CC to M/s.S. KATHIRAVAN, Advocate (SR-19126[F] dated
06/10/2020)

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01.10.2020

SCR(CO)

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