



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated 13.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.6866 of 2018

WEB COPY

Sheik Mohamed

... Petitioner

Vs.

1.The Manager,
Consumer Education and Protection Cell,
Reserve Bank of India, Chennai - 600 001.

2.The Manager,
Canara Bank, Perumalpuram
Tirunelveli District.

3.The Manager,
State Bank of India,
Dakshinakannada District
Port Road,Mangalore

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to refund Rs.86,000/- to the petitioner transferred by him through NEFT transfer based on his representation dated 29.12.2017 and 22.01.2018.

For Petitioner : Mr.T.Selvan

For Respondents : No appearance

O R D E R

The writ petition has been filed for a direction to the respondents to refund Rs.86,000/- to the petitioner transferred by him through NEFT transfer based on his representation dated 29.12.2017 and 22.01.2018.

2.The short facts leading to the filing of the writ petition is that for purchasing a car through OLX, the petitioner transferred Rs.86,000/- through NEFT towards advance to the seller's account. However, after transferring the said amount, the petitioner could not contact the seller and hence, the petitioner instructed the bank through e-mail to stop the payment. Though the said payment has been stopped, the same has not been credited to the petitioner's account. Therefore, the petitioner made a complaint to the Banking Ombudsman at Bangalore and Chennai. The Ombudsman, Bangalore, sent a reply to the petitioner, however, till date, the said amount has not been



credited to the petitioner's account, aggrieved by which, the petitioner is before this Court.

3. At the outset, it is pertinent to note that the transaction pertains to sale of Swift Desire Car based on OLX advertisement. The issue/plea raised in the present affidavit cannot be a subject matter of writ petition. The petitioner has to work out his remedy elsewhere. Hence, without rendering any finding on the merits of the matter and that the petitioner's remedy is not before this Court, the writ petition is dismissed with liberty to the petitioner to approach the appropriate forum and get his grievance redressed. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

RR

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 Manager,
Consumer Education and Protection Cell,
Reserve Bank of India, Chennai - 600 001.
- 2.The Manager,
Canara Bank,Perumalpuram
Tirunelveli District.
- 3.The Manager,
State Bank of India,
Dakshinakannada District Port Road,
Mangalore.

Order made in
W.P. (MD)No.6866 of 2018

Dated:
13.10.2020

CK(CO)

NR (28/10/2020) 2P : 4C

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