

02.12.2021
Court No.13
Item No.26
AP

WPA 16861 of 2021

**Laxmipat Sekhani
Vs.
State Bank of India and Ors.**

(Through Video Conference)

Mr. Haradhan Banerjee
Mr. Subhadip Biswas
Ms. Priyanka Anand Sharma

... For the Petitioner.

Mr. Pijush Kanti Roy
Mr. Soujanya Bandyopadhyay

... For the Respondent Nos.1 & 2.

Mr. Subhankar Chakraborty
Mr. Saptarshi Bhattachargee

... For the Respondent No.3.

The private respondents are not represented today despite service of notice.

The ICICI Bank and SBI are represented today.

Learned counsel for the SBI on queries submits that in view of a partnership dispute between the writ petitioner and the private respondents Nos.4 and 5 and at the request of the private respondents, debit transactions of the account has been frozen.

This court does not see any authority based on which the banks have disallowed debit transaction in the account of the petitioner and the private respondents. There are no orders of Court or any authority constituted under law directing the banks to so freeze debit transactions in the said bank account.

In that view of the matter, the banks shall forthwith withdraw the debit-freeze upon due notice to the private respondents. A copy of this order shall be served on the private respondents by the respondent banks.

This court has not entered into the question as to whether the writ petition is maintainable against the ICICI bank.

The writ petitioner shall be entitled to claim any damages from the banks for any loss that he may have suffered as a consequence of the aforesaid actions of the banks.

With the aforesaid observations, the writ petition is disposed of.

There shall be no other as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)