



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2021

CORAM

THE HON'BLE MR.JUSTICE R. MAHADEVAN

Writ Petition No. 10027 of 2018

D. Sathiyamurthi

.. Petitioner

Versus

1. The General Manager
Union Bank of India
Mount Road Branch
Anna Salai, Chennai - 600 002.
2. M/s ALBIS CONSTRUCTION PVT LTD
Rep. by its Managing Director
No.19, First Floor, Pantheon Apartments,
Egmore, Chennai - 600 008.

.. Respondents

Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the 1st respondent to consider the petitioner's representation dated 24.01.2018 to issue statement of account and other transactions relating to the bank account of the 2nd respondent within the time frame fixed by this Hon'ble Court.

For Petitioner	:	Mr. K. Seetharam
For R1	:	Mr. J. Harikrishna
For R2	:	Mr. Santhosh Ukkur

ORDER

The prayer made in this writ petition is to issue a direction to the first respondent to consider the petitioner's representation dated 24.01.2018 and issue statement of accounts and other transactions relating to the bank account of the 2nd respondent within a time to be fixed by this Court.



2. The learned counsel for the first respondent bank, by placing reliance on the counter affidavit dated 08.02.2021 of the first respondent, would contend that without any authorisation or resolution, the details sought for by the petitioner cannot be divulged by the first respondent bank. It is further stated that the second respondent requested the first respondent orally not to disclose the details of the transaction they had with the first respondent bank. Accordingly, the representation dated 24.01.2018 of the petitioner has been rejected by the first respondent on 13.02.2018. It is also stated that the petitioner has already filed a Civil Suit in O.S. No. 6194 of 2017 for dissolution of the Partnership as against the Second respondent and the same is pending on the file of the IV Assistant Judge, City Civil Court, Chennai. The learned counsel for the first respondent therefore would submit that the writ petition filed by the petitioner is not maintainable and it is liable only to be dismissed.

3. Upon notice, the second respondent filed a detailed counter affidavit, inter alia stating that the petitioner has no locus standi or right to demand the information relating to the transactions the second respondent had with the first respondent bank. The learned counsel for the second respondent, by placing reliance on the counter affidavit, would submit that the representation dated 24.01.2018 submitted by the petitioner has already been rejected by the second respondent bank by a letter dated 13.02.2018. In the communication dated 13.02.2018 of the first respondent bank, it has been clearly stated as follows:-

"...We wish to inform you that we are unable to give the same, as we have received information from M/s. Albis Construction Private Limited not to part with any information about the company with any other Directors."

4. When the representation dated 24.01.2018 of the petitioner has already been rejected by the first respondent bank, the present writ petition for issuance of a Writ of Mandamus is not maintainable. According to the second respondent, the petitioner has alternative remedy before the competent Civil Court or the petitioner can prefer a Complaint with the Banking Ombudsman or complain about the Banks action to its Customer Grievance Redressal Cell or approach the Consumer Court for redressal of their grievance. However, the petitioner has filed the present writ petition under Article 226 of The Constitution of India and it is not maintainable at all. The learned counsel for the second respondent therefore prayed for dismissal of this writ petition.

5. At this juncture, the learned counsel for the petitioner submitted that the petitioner may be granted liberty



to approach the competent Civil Court or any other form for redressal of their grievance.

6. In the light of the above submission of the counsel on either side, the writ petition filed by the petitioner to issue a Writ of Mandamus to the first respondent to consider their representation dated 24.01.2018 does not survive for consideration inasmuch as the first respondent bank has already rejected the representation dated 13.02.2018. However, considering the submission of the counsel for the petitioner, this writ petition is disposed of with liberty to the petitioner to work out their remedy in any other forum available under law. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-VII)

// True Copy//

Sub Assistant Registrar

av/rsh

To

The General Manager
Union Bank of India
Mount Road Branch
Anna Salai, Chennai - 600 002.

+1cc to Mr.J.Harikrishna, Advocate, S.R.No.33192

+1cc to Mr.Santose Ukkur, Advocate, S.R.No.33102

WP No. 10027 of 2018

SMI (CO)
SU(08/09/2021)