



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 16.09.2021

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.9460 of 2021

The Cuddalore District Central Co-operative
Bank Employees Trust,
Rep by its Managing Trustee,
V.Krishnamurthy,
No.25, Sanjeevarayan Koil Street,
Pudupalayam, Cuddalore - 1.

...Petitioner

-Vs-

1. The Secretary,
Cuddalore and Villupuram District Central
Co-operative Bank Employees
Co-operative Bank,
No.25, Sanjeevarayan Koil Street,
Pudhupalayam, Cuddalore - 1.
2. The Branch Manager,
Canara Bank,
Thiruppuliyur Branch,
Opp to Velmurugan Theatre,
Siva Complex, Cuddalore - 1.
3. The Cuddalore District Central Co-operative
Bank Employees Trust
Rep.by its Managing Trustee, K.R.Balakrishnan
No.25, Sanjeevarayan Koil Street,
Pudhupalayam
Cuddalore - 607 001.

...Respondents

(3rd respondent impleaded by order dated
16.09.2021 in W.M.P.No. 17770/2021)

Prayer: Writ Petition filed under Article 226 of the
Constitution of India, praying to issue a Writ of Mandamus
directing the respondents herein to encash the cheques issued by
the petitioner Trust herein and consequently permit the
petitioner Trust herein to operate its Bank Accounts with the
respondents herein.

For Petitioner : Mr.D.Ravichander



For R1 : Mr.L.P.Shanmugasundaram
For R2 : Mrs.S.R.Sumathy
For R3 : Mr.C.Munusamy

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ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. The petitioner herein is a Bank Employees Trust which is represented by Mr.V.Krishnamurthy, who claims to be the Managing Trustee. The impleaded third respondent is one Mr.K.R.Balakrishnan, who also claims to be the Managing Trustee of the Cuddalore District Central Co-operative Bank Employees Trust. Apparently, two individuals claim to be the Managing Trustees.

3. The prayer sought for in the present writ petition is connected with the affairs of the petitioner Trust and when there are rival claims between the Managing Trustees, this Court, exercising its powers under Article 226 of the Constitution of India, will not be justified in adjudicating the rights among these two rival individuals.

4. Obviously, the forum for adjudicating such rights would be the Civil Courts. However, if liberty is granted to the writ petitioner as well as the impleaded respondent to workout their remedies before the concerned Civil Court, the ends of justice could be secured.

5. The learned counsel for the writ petitioner made an attempt to substantiate that they may be permitted to operate the bank account of the petitioner Trust, pending the civil proceedings, which he intends to invoke.

6. When this Court has categorically held that such rival claims between two individuals cannot be adjudicated in a writ petition and when the petitioner himself has not been declared as a Managing Trustee of the petitioner Trust, which requires to be done only by a Civil Court, Mr.V.Krishnamurthy, who claims to be the Managing Trustee, will not be entitled for such a relief. It is needless to point out that if at all he intends to operate the bank account of the petitioner Trust, it is always open to him to establish the same before the concerned Civil Court.

7. In the light of the above observations, the Writ Petition stands dismissed with liberty to Mr.V.Krishnamurthy, who claims to be the Managing Trustee of the Cuddalore District Central Cooperative Bank Employees Trust, as well as Mr.K.R.Balakrishnan, who also claims to be the Managing Trustee



of the Cuddalore District Central Cooperative Bank Employees Trust, to workout their remedies before the appropriate civil forum. No costs.

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//True Copy//

Sd/-
Assistant Registrar(CS)

Sub Assistant Registrar

hvk/ata
To

1. The Secretary,
Cuddalore and Villupuram District Central
Co-operative Bank Employees
Co-operative Bank,
No.25, Sanjeevarayan Koil Street,
Pudhupalayam, Cuddalore - 1.
2. The Branch Manager,
Canara Bank,
Thiruppuliyur Branch,
Opp to Velmurugan Theatre,
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3. The Managing Trustee,
Cuddalore District Central Co-operative
Bank Employees Trust
No.25, Sanjeevarayan Koil Street,
Pudhupalayam
Cuddalore - 607 001.

+1 cc to Mr.P.Dinesh Kumar, Advocate Sr.NO. 47902

W.P.No.9460 of 2021

KK(CO)
A.SK(07.12.2021)