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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.39263 OF 2015

AND

M.P.NO.1 OF 2015

Arunachalam Dhandayudhapani Trust
Rep. by its Managing Trustee
S.B.Gopalakrishnan
No.45, Kamatchi Sashtthri Street,
Sathyamangalam,
Erode District

... Petitioner

Vs.

1. The Banking Ombudsman
Reserve Bank of India
Building (II Floor)
Fort Glacis
No.16, Rajaji Salai
Chennai - 600 001.
2. The Branch Manager
The Karur Vysya Bank Ltd.,
No.127, Bazaar Street,
Sathyamangalam,
Erode District.
3. Sri S.G.Krishnan
4. S.G.Srinivasan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned communication dated 14.08.2014 and 3.1.2014 on the file of the 1st and 2nd respondents respectively, quash the same and consequently direct the second respondent herein to permit the Managing Trustee S.B. Gopalakrishnan and the other Trustee S.Balamurugan to operate the Joint Account bearing No. 1188-115-752 maintained with them.



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For Petitioner	:	Mr.K.Govi Ganesan
For 1 st Respondent	:	No appearance
For 2 nd Respondent	:	Mr.Pradeepan
		for Mr.A.V.Radhakrishnan
For RR 3 & 4	:	Mr. I.C.Vasudevan

O R D E R

The impugned communication dated 14.08.2014 and 03.01.2014 on the file of the respondents 1 & 2 are sought to be quashed in the present Writ Petition.

2. The petitioner Arunachalam Dhandayudhapani Trust and founded by one Dhandayudhapani, son of Arunachalam Chettiar vide registered Trust Deed dated 22.10.1993 after the demise of the Founder Trustee Dhandayuthapani on 11.11.1994, the Managing Trustee V.M.Pandarinathan took charge and he also died on 15.09.2011. Till the death of the Managing Trustee Pandarinathan, the bank accounts were being operated jointly.

3. The petitioner states that the trust meeting took place and a Supplementary Trust Deed dated 04.03.2013 was executed and registered as Document No. 9/BK/2013 and it was resolved unilaterally that Mr. S.B. Gopalakrishnan, son of Mr.S.Balavenkatram Chettiar, was authorised to act as a Managing Trustee and to operate joint bank accounts. However, pursuant to the objections raised by the respondents 3 and 4, the second respondent bank is not permitting the petitioner to operate another settlement trust deed dated 04.10.2013 was executed and registered. It was unilaterally resolved to expand the respondents 3 and 4 from the trust as they acted against to merge the trustee with Sri Arya Vysya Samj and further fail to attend any of the Trustee meetings after the demise of the former Managing Trustee Pandarinathan.

4. As far as the dispute between the petitioner trust and the respondents 3 and 4 are to be resolved in a manner known to law. However, the bank amount is concerned, the competent authorities are bound to verify the trust deed and the supplementary deed executed by the trust in accordance with law and on examination of these documents have to take a decisions permitting the authorised Managing Trustee to operate the accounts.

5. Contrarily mere dispute between the petitioner and the respondent Nos. 3 and 4 will not be a ground to disallow the account holder to operate the accounts and thus, a decision is



to be taken by verifying the genuinity and the terms and conditions of the trust. The impugned communication reveals that no such enquiry was conducted. However, the impugned order was passed in the year 2014 and thereafter, many activities are carried on by the petitioner's trust. Now six years lapsed. Under these circumstances, this Court is of the opinion that the bank has to reconsider the issues by conducting an enquiry and by providing opportunity to the petitioner and other parties concerned.

6. In these view, the orders impugned dated 14.08.2014 and 03.01.2014 are quashed and the matter is remanded back to the second respondent for the purpose of conducting fresh enquiry by providing opportunity to the petitioner and the other parties concerned and take a decision and pass speaking orders on merits and in accordance with law as expeditiously as possible, preferably within a period of 12 weeks from the date of receipt of a copy of this order.

7. With these directions, this Writ Petition stands allowed. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

vsg

To

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2. The Branch Manager
The Karur Vysya Bank Ltd.,
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+1cc to M/s.K.Govi Ganesan, Advocate, S.R.No.69186

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SRA(CO)
RLP(12/01/2022)