



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.7948 OF 2016

AND

W.M.P.NO.7077 OF 2016

Mohamed Farook.M

...Petitioner

Vs

1. The Branch Manager,
Indian Bank, Lalpet,
Kattumannarkoil Taluk,
Cuddalore District.

2. Nazeera Kani

.. Respondents

PRAYER :

Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the first respondent not to permit the second respondent from operating or withdrawing or transferring any amount from the bank account numbers 6206073982, 6206406471, 6206074056, 6206406584, 6206073904, 6207029284, 6206920158, 6207029568, 6206921902, 6207029013, 6206921221 and 6206406324.

For Petitioner : Mr.M.Saravanan

For Respondents : Mr.Rajendran Raghavan
[For R1]
Mr.A.Muthukumar
[For R2]

O R D E R

The relief sought for in the present Writ Petition is direct the first respondent not to permit the second respondent from operating or withdrawing or transferring any account from the Bank Accounts Nos.6206073982, 6206406471, 6206074056, 6206406584, 6206073904, 6207029284, 6206920158, 6207029568, 6206921902, 6207029013, 6206921221 and 6206406324.



2. The first respondent is Indian Bank and the Second respondent is a private party. In order to get such a prohibitory order for non-operation of a Bank Account, an adjudication is required with reference to the disputes if any between the parties. High Court in a writ proceedings cannot grant any such relief for the non-operation of the Bank account without adjudicating the disputes and such an adjudication cannot be undertaken in a writ proceedings under Article 226 of the Constitution of India.

3. The learned counsel appearing on behalf of the second respondent made a submission that the petitioner filed O.S.No.41 of 2011 for partition and the said partition suit was dismissed on 25.03.2015 and immediately, after the dismissal of the suit, he filed the present writ petition. However, he filed A.S.No.21 of 2015 and the said appeal suit was also dismissed on 07.08.2018. Thus, the writ petition is not maintainable.

4. May that it be, this Court is of an opinion that the relief as such sought for is absurd and further, the petitioner has filed a appeal suit and the appeal suit is against the 2nd respondent.

5. This being the factum, the petitioner has not established any right for the purpose of entertaining a writ and therefore, the writ petition is devoid of merits and stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

nti/kak

To

1. The Branch Manager,
Indian Bank, Lalpet,
Kattumannarkoil Taluk,
Cuddalore District.

+1cc to Mr.G.Pugazhenth, Advocate, S.R.No.47791
+1cc to Mr.A.Muthukumar, Advocate, S.R.No.47702

W.P.No.7948 of 2016

PCH(CO)
CS/12/10/2021