



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.18227 of 2020

and

W.M.P.No.22623 of 2020

M/s. Salem Sourashtra Vidhya Sabhai & Kalyana Mahal,
Rep. by its President,
Thiru.P.S. Mohan

...Petitioner

Vs.

1. The Manager,
Union Bank of India-Salem Branch
(Previously Andhra Bank),
2nd Agraharam, Salem-636001

2. R.Jayakaran
(R2 Suo motu impleaded vide order
dated 16.09.2021 made in
W.P.No.18227 of 2020)

... Respondents

Prayer:Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus or order of like nature directing to call upon the records of the respondent with regard to the Impugned Letter Vide Lr.No.0500, dated 09.06.2020 for freezing of bank accounts, 050010100047992 and 050010100047956 of petitioner association and quash the same as illegal and further direct the respondent to allow the petitioner association to operate the bank accounts .

For Petitioner : Mr. M.Velmurugan

For Respondent : Mr. Srinath Sridevan

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus or order of like nature directing to call upon the records of the respondent with regard to the Impugned Letter Vide Lr.No.0500, dated 09.06.2020 for freezing of bank accounts, 050010100047992 and 050010100047956 of petitioner association and quash the same as illegal and further direct the respondent to allow the petitioner association to operate the bank accounts .



2. The case of the petitioner is that the petitioner's association was registered under the Tamil Nadu Societies Registration Act, 1975 (Reg.No.84 of 2006) and maintained three bank accounts in the Respondent Bank after submitting the required documents. The petitioner is challenging the Impugned Letter vide Lr.No.0500, dated 09.06.2020 which was received from the Respondent Bank stating that the accounts have been maintained by the petitioner association in the names of "Salem Saurashtra Vidya Sabai and Kalyana Mahal" and "SSV Nursery and Primary School", in the Respondent Bank are frozen and cannot be operated. The freezing order of the Bank account was passed by the Respondent Bank on the ground of letters from one Mr.Jayakaran and one Mr.B.S. Venkatachalapathy, who were former office bearers of the petitioner's association but were subsequently, removed from the primary membership of the petitioner's association and further without conducting any enquiry and not giving any opportunity to the petitioner, the said request for defreezing the Bank account was rejected by the Respondent Bank. Challenging the same, this present Writ Petition is filed.

3. The learned counsel appearing for the petitioner submits that the Respondent Bank has passed the impugned order on the ground that the petitioner has been expelled from the association on 24.10.2012 and the same was confirmed by this Court in O.S.No.1195 of 2012 however, facts remains that the petitioner is managing the said association and the suit in O.S.No.1195 of 2012 filed by the petitioner was also ended in his favour. Thereby, the petitioner may be permitted to place the entire documents before the Respondent Bank and after receipt of the said documents and after satisfaction, the Respondent Bank may pass appropriate orders within a reasonable time as fixed by this Court.

4. The learned counsel appearing for the Respondent Bank submits that by letter dated 01.06.2020 issued by one Mr.R Jayakarnan, claiming to be the 2nd respondent that alleged present office bearers of the society have been expelled from the society on 24.10.2012 which was challenged by Mrs.PS Mohan and in O.S.No.1195 of 2012 on the file of Principal District Munsif, Salem and the same was dismissed vide order dated 24.10.2017 and that the same has attained finality. It was also claimed that the saving accounts with the Respondent Bank are opened based on false documents. He further submits that the letter communications received from Mr.Jayakaran and Mr.Rajkumar, and also an opportunity was provided to the alleged office bearers of the petitioner society to obtain consent from all its disputing members for operation of the accounts whereas, the alleged office bearers failed to do so and have merely disputed the membership of Mr.Jayakaran and



Mr.Venkatachalapathy. He furthermore submits that full particulars of the said disputes among the members of the petitioner society are not known to this Respondent however, has no serious objection to grant the relief sought by the petitioner.

5. Considering the facts and circumstances of the case, it appears that there are two factions in the petitioner association and several disputes are pending between them. However, the petitioner claim that those disputes were resolved by the Respondent Bank itself and now, he claims that he is managing the said association and would be able to convince the Respondent Bank by producing the documents.

6. In view of the above, without interfering with impugned order and expressing any opinion on merits, the petitioner is permitted to make fresh representation to the Respondent Bank by submitting relevant documents and if such representation is filed, the Respondent Bank is directed to pass appropriate orders in the manner known to law.

7. This writ petition is accordingly disposed of. No Costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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Copy to:

The Manager,
Union Bank of India-Salem Branch
(Previously Andhra Bank),
2nd Agraharam, Salem-636001.

+1cc to Mr. M.Velmurugan, Advocate, S.R.No.60206

+1cc to Mr. Srinath Sridevan, Advocate, S.R.No.60891

W.P.No.18227 of 2020

SVI[co]
NSK 16/12/2021