



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.3464 OF 2021

S.Anandhakumar

...Petitioner

Vs

1. Reserve Bank of India
Rep.by its regional Director, Tamil Nadu,
Fort Glacis, Rajaji Salai, P.B.No.40,
Chennai-600 001.
2. The State Bank of India
Thiruvallur Branch,
Rep by its Manager
Jawaharlal Nehru Road,
Thiruvallur-602 002.
3. Paytm Payments Bank Ltd.,
Rep by its Manager
Having its registered office at
No.136, I floor Devika Tower,
Nehru Place, New Delhi
Pin-110 019.
4. The Inspector of Police
Thiruvallur P.S
Thiruvallur District.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to reverse the debit entry of Rs.1,94,949 (Rupees One Lakh Ninety Four Thousand Nine Hundred and Forty Nine Only) made in Savings Bank Account No:30734462957 between 11.04.2019 and 12.04.2019 due to unauthorized transactions and credit the above said sum as mandated by the circular DBR.No.Leg.BC.78/0.07.005/2017-18 dated 06.07.2017 issued by the 1st respondent and SBI compensation Policy (Banking Services)-2018.



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For Petitioner : Mr.C.S.K.Sathish

For Respondents : Mrs.C.Mohan for
M/s.Kings Patridge for R1

***M/s.S.R.Sumathy for R2.**

: Mr.Shivakumar for R3.

: Mr.P.Gurunathan,
Additional Government Pleader for R4

ORDER

The present petition has been filed seeking a direction to the respondents to reimburse the debited amount by fraudulent transaction as per the circular issued by the 1st respondent.

2. Learned counsel appearing for the petitioner submits that initially the petitioner has filed a complaint before the 2nd respondent bank to reimburse the amount debited on account of fraudulent transaction in his account. Since, the same was not considered by the 2nd respondent, the petitioner filed a complaint before the Banking Ombudsman against the 2nd respondent and the said complaint was closed on 20.01.2020 stating that the petitioner would have shared the OTP with some third party which lead to the fraudulent transaction. Aggrieved by the same, the petitioner has filed the present Writ Petition with the aforesaid relief.

3. A careful perusal of the materials available on record reveals that already a complaint has been filed with regard to the aforesaid issue before the banking Ombudsman and the said complaint was closed stating that the petitioner would have shared the OTP to the third party.

4. In view of the same, this Court is of the considered opinion that without challenging the order passed by the Banking Ombudsman, filing of Writ Petition before this Court for the very same cause of action is not sustainable. However, sharing of OTP to a third party being a disputed question of fact, cannot be gone into by this Court under article 226 of the Indian Constitution, therefore no relief can be granted to the petitioner.

5. Accordingly, this Writ Petition is closed granting



liberty to the petitioner to work out his remedy before the competent forum in the manner known to the law. No Costs.

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***Appearance Corrected as per
Letter Dated 07/03/2022**

Sd/-
Assistant Registrar(CS-VII)

Sd/-
Sub Assistant Registrar(CO-II)
Dated:16/03/2022

//True Copy//

Sub Assistant Registrar

NHS

To

1. The Regional Director, Tamil Nadu,
Reserve Bank of India
Fort Glacis, Rajaji Salai, P.B.No.40,
Chennai-600 001.
2. The Manager,
State Bank of India
Thiruvallur Branch,
Jawaharlal Nehru Road,
Thiruvallur-602 002.
3. The Manager
Paytm Payments Bank Ltd.,
Having its registered office at
No.136, I floor Devika Tower,
Nehru Place, New Delhi
Pin-110 019.
4. The Inspector of Police
Thiruvallur P.S
Thiruvallur District.

***Corrected order to be
Substituted to the
order already despatched
on 03/03/2022**

+1cc to Mr.C.S.K.Sathish, Advocate, S.R.No.5533

W.P.NO.3464 of 2021

MG(CO)
RLP(23/02/2022)
SB(21/03/2022)