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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.8217 of 2019

&

W.M.P.No.8782 of 2019

Mr.N.Balakrishna

...Petitioner

Vs

1. The Reserve Bank of India,
Fort Glacis,
Chennai - 600 001.
2. The Banking Ombudsman for Tamilnadu & Puducherry,
Shri. R.Lakshmi Kanth Rao,
C/o. Reserve Bank of India,
Fort Glacis, Chennai - 600 001.
3. The Commissioner of Police,
Greater Chennai, Vepery, Chennai.
4. The Assistant Commissioner of Police,
Central Crime Branch (CCB),
Office of the Commissionerate Building,
Vepery, Chennai.
5. The General Manager,
Punjab National Bank,
AGMO, Mylapore (D.No.034300)
150, Lux Church Road,
Chennai - 600 004.
6. The Senior Manager,
Punjab National Bank,
AGMO, Mylapore (D.No.034300)
150, Lux Church Road,
Chennai - 600 004.
7. J.Sri. Rajesh.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing



the 1st and 2nd respondents to consider the petitioner's representation dated 16.02.2019 given by the petitioner within a stipulated time.

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For Petitioner : Mr.N.Vijaya Basker

For Respondents : Mr.C.Mohan
for King & Patridge
for R1 & R2
No Appearance (for R5 to R7)
Mr.TNC.Kaushik
AGP for RR3 & R4

O R D E R

The petitioner seeks a mandamus directing the first and second respondents i.e. the Reserve Bank of India and the Banking Ombudsman/R2 to consider and dispose his representation dated 16.02.2019. The subject matter of the complaint is in regard to agricultural land in Karnataka.

2.The petitioner, claiming to be an agriculturalist, complains that the 7th respondent had expressed interest in purchasing a piece of agricultural land, cheated him by executing an unregistered sale agreement dated 21.01.2016 and prevailed upon the petitioner to signed a memorandum of deposit (MOD) of title deeds in regard to the land created in the name of Punjab National Bank, Chennai. He has received a mere Rs.5,00,000/- in this regard from R7 along with two cheques for sums of Rs.1 crore and Rs.55 lakhs, upon receipt of which he handed over the documents relating to the land in original to him. He has thereafter not heard from the 7th respondent who has been avoiding the petitioner and not proceeded with registration of the sale deed, till date.

3.The petitioner had moved a police complaint before the Sub Inspector of Police, Central Crime Branch who has filed a counter to the effect that upon conduct of enquiry, the file has been closed concluding that no prima facie case had been made out by the petitioner and the dispute had all the trappings of a civil dispute.

4.R2 has closed the complaint as non-maintainable by order dated 01.04.2019 advising the petitioner to approach the appropriate forum for relief. Paragraph 2 of the impugned order dated 01.04.2019 is to the effect that the role of the banking ombudsmen is to address complaints arising out of deficiency in



banking services in terms of the Banking Ombudsman Scheme (BOS) 2006.

5. Since the case of the petitioner relates to the area of civil disputes including the examination of evidence laid by private parties such as agreements, the transaction between the petitioner and R7 falls outside the purview of R2. Since the petitioner states that the order dated 01.04.2019 was not supplied to him, a copy of the same is now supplied to the learned counsel for the petitioner for onward transmission to the petitioner. Liberty is granted to the petitioner to challenge the same, if so advised, within a period of eight (8) weeks from today, in accordance with law.

6. With this liberty, this writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

vs

To

1. The Reserve Bank of India,
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2. The Banking Ombudsman for Tamilnadu & Puducherry,
Shri. R.Lakshmi Kanth Rao,
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150, Lux Church Road,
Chennai - 600 004.



6. The Senior Manager,
Punjab National Bank,
AGMO, Mylapore (D.No.034300)
150, Lux Church Road,
Chennai - 600 004.

+1cc to King & Patridge, Advocate, S.R.No.9346

W.P.No.8217 of 2019

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NSK 12/04/2022