



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.3995 of 2022

and

W.M.P. [MD]No.3424 of 2022

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Neithal Vattara Kalanjiam
Through its
Programme Leader,
A.Madhankumar

... Petitioner

Vs.

1. The Regional Manager,
Tamil Nadu Grama Bank,
Regional Office,
97H/33, Palayamkottai Road,
3rd Mile, Pudukudi,
Tuticorin-628 008.

2. The Branch Manager,
Tamil Nadu Grama Bank,
Theriruvveli Road,
Sikkal Post,
Ramanathapuram District-623 528.

3. R.Pethanatchi

4. S.Prema

5. S.Abirami

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent Nos.1 and 2 to consider the representations of the petitioner dated 21.02.2019, 14.03.2019, 29.08.2019 and 06.12.2021 and consequently direct them to freeze the banking transaction of the savings bank accounts vide old account No.8724 (No.514901000008724) New No.10066308301 of Neithal Vattara Kalanjiam Federation, another old account No.12232 (No.514901000012232) New No.10066340210 of Siraikulam Paguthi Valarchi Kulu and the third old account No.12230 (No.514901000012230) New No.10066340196 of Sikkal Paguthi Valarchi Kulu, maintaining with them till the disposal of the Original Suit in O.S No.28 of 2019 pending on the file of the learned Subordinate Judge, Mudhukulathur, Ramanathapuram District.



For Petitioner : Mr.C.M.Arumugam
For Respondents 1&2 : Mr.N.Dilip Kumar
Standing Counsel

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O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents 1 and 2 to consider the petitioner's representations requesting them to freeze the banking transactions of Neithal Vattara Kalanjiam Federation, till the disposal of the original suit in O.S.No.28 of 2019 filed by the third and fourth respondents before the Sub-Court, Mudhukulathur, Ramanathapuram District.

2.The petitioner claims that he is the founder trustee of Neithal Vattara Kalanjiam Trust. According to him, the third and fourth respondents were acting against the interest of the trust. It is also his case that in the suit filed by the third and fourth respondents in O.S.No.28 of 2019 pending on the file of the Sub-Court, Mudhukulathur, Ramanathapuram District, an Interlocutory Application was filed by the third and fourth respondents seeking for injunction against the petitioner and some others not to interfere with the properties owned by the Trust. According to the petitioner, the said Interlocutory Application came to be dismissed and the third and fourth respondents have also preferred an appeal in C.M.A.No.16 of 2019, on the file of Additional District Judge, Paramakudi.

3.According to the petitioner, earlier the bank account of Neithal Vattara Kalanjiam Trust was not being allowed to operate by the trustees by the respective banks but now according to the petitioner the trustees namely third and fourth respondents were allowed to operate the bank account of the Trust. According to the petitioner, the third and fourth respondents are acting against the interest of the Trust by committing various irregularities and they have also committed misappropriation of funds. In such circumstances, the petitioner has given representations to the respondents to freeze the bank accounts of Neithal Vattara Kalanjiam Trust. Since the said representations have not been considered till date, the petitioner has filed this writ petition.

4.Heard Mr.C.M.Arumugam, learned Counsel appearing for the petitioner and Mr.N.Dilip Kumar, learned Standing Counsel who accepts notice on behalf of the first and second respondents.

5.Learned Standing Counsel for the respondents 1 and 2 would submit that the only recourse available to the petitioner is to approach the Civil Court with regard to the grievances raised by him in this writ petition.



6.This Court is in agreement with the submissions made by the learned Standing Counsel. There are several disputed questions of facts involved. The petitioner claims that he is the author of the Trust. The respondents 3, 4 and 5 claim that they are the only authorised trustees authorised to operate the bank account of the Trust as seen from the plaint filed in O.S.No.28 of 2019 pending on the file of the Sub-Court, Mudhukulathur, Ramanathapuram District. The petitioner was also a party defendant in the said suit and the suit is still pending. Even though the Interlocutory Application filed by the third and fourth respondents in the said suit came to be dismissed, it cannot be said that there are no disputed questions of facts involved. Admittedly, the said order has also been challenged by the third and fourth respondents by filing an appeal in C.M.A.No.16 of 2019 which is pending on the file of the Additional District Judge, Paramakudi. Since there are disputed questions of facts involved, no relief can be granted by this Court in this writ petition as sought for by the petitioner. The only remedy available to the petitioner is to approach the Civil Court with regard to the contentions raised by him in this writ petition.

7.Accordingly, this Writ Petition is disposed of by granting liberty to the petitioner to approach the Civil Court for the purpose of redressing his grievance as raised in this writ petition. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR

NOTE: *In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.*



To

1. The Subordinate Judge,
Mudhukulathur, Ramanathapuram District.

2. The Regional Manager,
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+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-10461[F] dated 07/03/2022)

+1 CC to M/s.C.M.ARUMUGAM, Advocate (SR-10670[F] dated 08/03/2022)

ORDER MADE IN
W.P. [MD]No.3995 of 2022
04.03.2022

SE (CO)

TR(21.03.2022) 4P 6C