IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30.03.2023

C O R A M

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.Nos.5613, 5616, 5619, 5637, 5641, 5644, 5645, 5647 & 5651 of 2019
and
W.M.P.Nos.6388, 6393, 6396, 6421, 6426, 6429, 6430, 6432, 6436 of 2019

W.P.No.5613 of 2019:

M/s.Adharsh Educational and Charitable Trust
Represented by its Trustee,
S.Selvamani, Female aged 48 years,
W/o.K.Sivalingam,
Adharsh Nagar,
Paruvachi Post,
Bhavani Taluk,
Erode District. ...... Petitioner

Vs

1. The President and Chief Operating Officer,
Karur Vysya Bank Ltd.,
Central Office,
Erode Road, Karur-639 002.

2. The General Manager,
Karur Vysya Bank Ltd.,
Operations Department, Central Office,
Erode Road, Karur-639 002.

3. Assistant General Engineer,
Karur Vysya Bank Ltd.,
Karur Divisional Office,
Divisional Office,
P.B.No.91, No.633,-637, First Floor,
Jawahar Bazaar, Karur-639001.

4. The Branch Manager,
Karur Vysya Bank Ltd.,
Anthiyur Branch,
Anthiyur Taluk,
Erode District -638 501 .... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus or any other writ, order or direction in the nature of writ, directing the Respondents to permit the petitioner to inspect the documents which were used for the transactions for the relevant period from 01.01.2017 to 03.02.2019, to find out the fraudulent transaction which were committed by the Bank officials pertaining to the Bank accounts of the petitioner in Savings Account Nos.1642175000000104, 1642177000000083, 1642175000000090, 1642155000012029, 1642155000052703, 1642172000000291, 1642155000024424, 1642155000036260, 1642155000036239, 1642155000043196, 1642155000036272, 1642155000052710, 1642155000060990, Mortgage Loan (OD) Account No.1642280000000168, Term Loan Account Nos.1642716000000032, 1642716000000090 and Current Account Nos.1642135000001917, 1642135000001929 and 1642135000004852 in the 4th Respondent bank with the help of her auditor and consequently direct the Respondent to furnish the documents as requested by the petitioner on the completion of inspection and to issue necessary certificates in the prescribed manner which will be accepted by the Income Tax Department for the Assessment Years 2017-2018 and 2018-2019 based upon the representation of the petitioner dated 04.02.2019.

For Petitioner
(In all Petitions) ... M/s.S.Senthil

For Respondents
(In all Petitions) ... M/s.N.P.Vijayakumar for R1 to R4

COMMON ORDER

Since, the issue involved in all Writ Petitions are one and the same, all these Writ Petitions are taken up for final disposal by way of a common order.

2. The above Writ Petitions have been filed seeking a direction to the respondents to permit the petitioners to inspect the documents which were used for the transactions for the relevant period from 01.01.2017 to 03.02.2019 for finding out the fraudulent transaction that were committed by the bank officials pertaining to the bank accounts of the petitioners.

3. The petitioners in the above Writ Petitions are the account holders of

the 4th respondent bank and are maintaining their respective bank accounts in the 4th respondent bank. It is the case of the petitioners that the manager of the said bank namely one Vimal Kumar, without any authorization from the petitioners had misappropriated the funds from the petitioners' bank accounts by way of fraudulent transfers. Hence, the petitioners made a complaint to the 2nd respondent on 05.12.2018. Upon receipt of the complaint, the 3rd respondent has sent a communication to the petitioners stating that certain fraudulent transactions have been done and upon completion of enquiry, the 3rd respondent bank has re-credited the amounts to the petitioners. Thereafter, the petitioners made a detailed representation on 04.02.2019 to the respondent bank to furnish the documents which were used for the transactions for the relevant period from 01.01.2017 to 05.12.2018. Since the respondents have not furnished the copies till date, the petitioners have come up with the above Writ Petitions.

4. Learned counsel for the petitioners submits that it would suffice if this Court issues a direction to the respondents to consider the representation dated 04.02.2019 made by the petitioners seeking permission to inspect the relevant documents which were used for the fraudulent transactions for the relevant period from 01.01.2017 – 03.02.2019 in the respective bank accounts of the

petitioners within the time that may be stipulated by this Court.

5. On the above contention, this Court heard the learned counsel appearing for the 1st respondent.

6. Though, learned counsel appearing for the 1st respondent submits that the respondent bank is ready and willing to co-operate with the petitioners if the petitioners produce their books of accounts in order to ascertain the discrepancies. However, the fact remains that the subject matter is under investigation by the law enforcing agency. In such view of the matter, furnishing the documents pertaining to the alleged fraud committed in the accounts of the petitioners would have an adverse impact on the investigation. However, in view of the limited request made by the petitioners, the respondent bank is directed to permit the petitioners to investigate the relevant documents pertaining to the accounts of the petitioners alone within a period four weeks from the date of receipt of a copy of this order so that the petitioners could be able to provide the necessary materials required for investigation.

7. Accordingly, these Writ Petitions are disposed of with the above direction. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

30.03.2023

NHS

Index:Yes/No
Internet:Yes
Speaking/Non-Speaking order

To

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M.DHANDAPANI, J.

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