



WEB COPY



W.P.No.4042 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.4042 of 2020

And

W.M.P.No.4771 of 2020

Anwar Basha

... Petitioner

Vs.

1.The Chief Vigilance Officer,
Punjab National Bank,
Head Quarters,
New Delhi.

2.The Superintendent of Police,
O/o.The Superintendent of Police,
Central Bureau of Investigation,
Sastri Bhavan,
Chennai – 600 006.

3.T.Arumugam

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent herein The Chief Vigilance Officer, Punjab Natinal Bank, Head Quarters, New Delhi to consider the petitioner's representation dated 12.03.2019.



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For Petitioner : No Appearance

For Respondents : Mr.M.L.Ganesh for R1
Mr.K.M.D.Muhilan for R2
Additional Government Pleader
No Appearance for R3

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 12.03.2019.

2.The case of the petitioner is that the petitioner and one K.Suresh are carrying on Turning Works under the name and style of M/s.B.S.Turning Works and the Company is having current account with Punjab National Bank, West Tambaram Branch and the petitioner is having savings bank account in the same Bank. The petitioner proposed to purchase a land from one T.Arumugam and for the sale transaction, the petitioner had given a cheque connected with his savings bank account for a sum of Rs.14 Lakhs, however, due to the failure on the part of the said T.Arumugam, the transaction was dropped at the end.

3.The further case of the petitioner is that the petitioner



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immediately submitted a letter in person on 29.01.2018 to the Branch Manager, Punjab National Bank, West Tambaram Branch, for stop payment and the same was also accepted, however, to his shock, the petitioner came to know that a sum of Rs.14 Lakhs has been credited in favour of T.Arumugam/ a part of the amount was debited from his savings bank account and major part of the amount was debited from the Company's current account. In this regard, the petitioner made complaint before Ombudsman, Reserve Bank of India. The R.B.I. Ombudsman directed the bank officials to pay a sum of Rs.10,000/- to the petitioner as compensation, however did not direct the bank officials to repay the illegal transaction.

4.The further case of the petitioner is that thereafter the petitioner issued legal notice to the bank officials and since there was no response, filed Crl.O.P.No.24425 of 2018 as against the second respondent and this Court vide order dated 16.11.2018 directed the second respondent to pass orders on the petitioner's representation. Even thereafter there was no response. Hence, the petitioner made representation to the first respondent and since there is no response has filed this writ petition.



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5. There is no representation for the petitioner. Considering the pendency of the writ petition, this Court is inclined to proceed with the case and decide the same based on the materials available on record.

6. In view of the limited relief sought for in this writ petition, this Court, without expressing any opinion on the merits of the case, directs the first respondent to consider the petitioner's representation dated 12.03.2019, on merits and in accordance with law and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order.

7. The writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

12.04.2023

pri

Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No



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To

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M.DHANDAPANI,J.
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