



W.M.P(MD)No.1528 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.M.P(MD)No.1528 of 2023

and

Rev.Applc(MD) SR No.6175 of 2023

In W.M.P.(MD)No.1528 of 2023

H.M.Ahamed Abdul Cader

... Petitioner

Vs.

1.Thulir School for Special Children
Rep. by its Correspondent,
A.Waheeda W/o.AbdulKader
Door No.78/128A, Appa Paili Street,
Kayalpatnam,
Thoothukudi District.

2.The General Manager,
State Bank of India,
Local Head Office,
Administrative Office,
No.16, College Lane,
Nungambakkam,
Chennai-600 006.

3.The Deputy General Manager,
State Bank of India,
South Zone,
Madhura Complex,
No.2, Dr Ambedkar Road,
Madurai-625 020.



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4.The Branch Manager,
State Bank of India,
Arumuganeri Branch,
Old No.51, L/F Road,
Arumuganeri,
Thoothukudi-628 202,
Thoothukudi District.

... Respondents

Prayer : This Petition filed under Article 226 of the Constitution of India, praying this Court to grant leave to file this review application by the petitioner in his capacity of Chairman of the Managing Committee of Thulir School for Special Children and Founder Trustee of Thulir Trust.

In Review Aplc (MD)SRNo.6175 of 2023

H.M.Ahamed Abdul Cader

... Petitioner

Vs.

1.Thulir School for Special Children
Rep. by its Correspondent,
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3.The Deputy General Manager,
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4.The Branch Manager,
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Arumuganeri Branch,
Old No.51, L/F Road,
Arumuganeri,
Thoothukudi-628 202,
Thoothukudi District.

... Respondents

Prayer : This Petition filed under Section 114 r/w Order 47 Rule 1 of Civil Procedure Code praying this Court to review the order dated 24.06.2022 made in W.P.(MD)No.7624 of 2022 passed by this Court.

For Petitioner : Mr.T.Mohan
Senior Counsel
for Mr.N.Sudharsan

For Respondents : Mr.M.Mohamed Sherbudeen for R1
: Mr.M.Ponnaiah
Standing Counsel for R2 to R4

ORDER

Heard the learned senior counsel appearing for the petitioner herein and the learned counsel appearing for the original writ petitioner.

2. The first respondent herein filed W.P.(MD)No.7624 of 2022 questioning the communication issued by the Bank. The said writ petition was disposed of in the following terms:-



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“Heard the learned counsel appearing for the writ petitioner and the learned Standing Counsel appearing for the respondent Bank.

2. The petitioner claims to be a correspondent of a Special School. Her grievance is that the respondent Bank is not allowing her to operate the petition mentioned Bank Account.

3. When the matter was taken up for hearing, the learned Standing Counsel submitted that this writ petition is liable to be dismissed on the ground of non-joinder of necessary parties. He submitted that the petitioner’s Institution was established by a Trust known as “Thulir Trust”. The said Trust has six trustees on board. Dispute arose among the trustees because one of the trustee is said to have started another Trust in the same name. Serious allegations have been made. This writ petition has not been filed by any of the trustees and it has been filed only by the person who claims to be the correspondent of the School. The Bank cannot be faulted for having frozen the petition mentioned Bank Account. When serious disputes have arisen among the persons in-charge of the trust, the parties will have to necessarily work out their rights before the jurisdictional civil Court. No relief can be granted in this writ petition. The order impugned in the petition is sustained. The writ petition is dismissed. Consequently, connected miscellaneous petitions are closed. No costs.”

3. Contending that the observation made in the said order would operate against him, this Review Application has been filed.

4. Admittedly, the petitioner herein was not made a respondent in W.P. (MD)No.7624 of 2022. Therefore, the observation made therein should be understood as having made only for the purpose of giving disposal to the said writ petition. That will not operate against the petitioner. If the petitioner files any independent writ petition, it is to be decided on its own merit.



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5. With this clarification, the review application is disposed of at the SR stage.

30.01.2023

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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