



W.P(MD)No.133 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.133 of 2015

D.Jeba Rooban

... Petitioner

Vs.

1.The Authorized Officer,
Office of the Banking Ombudsman,
Reserve Bank of India Building,
Floor II, No.16, Rajaji Salai,
Chennai-600001.

2.The Branch Manager,
Federal Bank,
Tisayanvilai Branch,
Tirunelveli District.

3.Sri.P.Mohammed Idris

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 1st respondent in BO (Che) /2775/C-1040/Federal Bank/2014-15 dated 05.11.2014 and quash the same and further directing the 2nd respondent to repay Rs.26,639/-to the petitioner which was wrongly taken from the petitioner s savings Bank A/c. No. 17880200000715 maintained with the 2nd respondent along with compensation.



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For Petitioner : Mr.R.Balakrishnan

For Respondents : Mr.V.R.Laxman
CGSC for R1

: Mr.V.Srinivasan for R2

ORDER

Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the first respondent and the learned standing counsel for Federal Bank.

2. The writ petition appears to have been dismissed for default as against the third respondent as early as on 04.07.2017. The petitioner is having an account with the second respondent. From his account, a sum of Rs.26,639/- was inadvertently transferred through net banking facility to the account of the third respondent. The petitioner had intended to remit the said amount with the commercial tax department on behalf of one Thambi Mobile. After realizing that the third respondent's account had been erroneously credited, the petitioner approached the third respondent. The third respondent had evasively stated that he had already paid the amount to the second respondent through demand draft. The second respondent denies the said claim. According to the second respondent, no amount was received from the third respondent. In these



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circumstances, the petitioner filed a complaint before the banking ombudsman.

The banking ombudsman by the impugned order had stated that since there is no deficiency on the part of the bank, the complaint itself is not maintainable. The petitioner's complaint was rejected. Challenging the same, the writ petition came to be filed.

3. After going through the materials on record, I am more than satisfied that the Federal bank cannot be blamed. The petitioner has to necessarily lodge a criminal complaint against the third respondent for misappropriation. Filing this writ petition is misconceived. Granting liberty to the petitioner to prosecute the third respondent and to take steps for recovering the amount, the writ petition is dismissed. No costs.

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

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