



W.P.No.7567 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.7567 of 2024

and

WMP.Nos.8484, 13086, 17627 & 20386 of 2024

Murthuzaviya Educational and Cultural Foundation of South India,
Rep. by its Secretary and Correspondent Syed Waliullah Khadri,
No.12/186, Big Street, Triplicane,
Chennai – 600 005.

...Petitioner

Vs.

1. Reserve Bank of India,
Rep. by its Banking Ombudsman,
Fort Glacis, No.16, Rajaji Salai,
Chennai – 600 001.
2. The Union Bank of India,
Rep. by its Branch Manager,
Kodungaiyur Branch, Chennai.
3. The Union Bank of India,
Rep. by its Branch Manager,
Triplicane Branch, No.186, Big Street,
Triplicane, Chennai – 600 005.
4. The Canara Bank,
Rep. by its Branch Manager,
Triplicane Branch,
Triplicane, Chennai.



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5. The District Educational Officer,
Chennai (south),
Chennai.

...Respondents

(R5, *Suo Motu* impleaded, vide order dated 24.04.2024 in WP.No.7567 of 2024)

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus, to defreeze the bank accounts of the petitioner society freezed by the 2nd and 3rd respondents.

For Petitioner : Mr.Sharath P.Nair

For Respondents : M/s.T.Poornam, for R1
: Mr.G.V.Anjaneya Babu, for R2 to R4
: Mr.LSM.Hasan Fizal, AGP, for R5

ORDER

The petitioner has filed this Writ petition seeking direction to the respondents to defreeze the bank accounts of the petitioner society, which were freezed by the 2nd & 3rd respondents.

2. The case of the petitioner is that the petitioner is a registered Society running schools, Hospital and School for Destitute Children. On 31.10.2023, last salary of the staffs of the petitioner's society are paid from the respondent



Bank accounts. While so, on 18.11.2023, the then President, who is the father of the Secretary and Correspondent at present died and subsequently, on 22.11.2023, the New President was appointed and the same was also intimated to the Respondent banks and, on 25.11.2023 upon request made by the respondent Banks, the resolution, death certificate copies and other relevant documents were furnished to them. In such circumstances, on 31.11.2023, the Petitioner Society came to know that the bank accounts of the petitioner society were freezed by the respondent banks without any prior intimation or any notice at the beginning of the November month itself, due to which, the petitioner society is unable to pay the salary of its staffs and the necessary funds for providing meals for the destitute children and procuring medicines for the hospital could not be obtained from the respondent banks. Hence, the present Writ Petition.

3. Learned counsel for the petitioner submitted that, without any prior intimation and without hearing the petitioner, the respective respondents have freezed the petitioner's bank accounts which resulted in huge damage to the petitioner and the same is a clear violation of principles of natural justice. Further, in the absence of any restraint order or any intimation from the law



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enforcing agency, the respondent banks have no power to freeze the petitioner's bank accounts. Accordingly, he prayed for appropriate orders.

4. On the above said contentions, heard learned counsel appearing on behalf of the respective respondents and perused the materials available on record.

5. Admittedly, the petitioner society holds bank accounts with the respondent banks and a perusal of the available materials reveals that, without passing any speaking order, the respondent banks have freezed the petitioner's bank accounts, which is a clear violation of principles of natural justice and as rightly pointed out by the learned counsel for the petitioner, in the absence of any restraint order being passed by the competent civil court and in the absence of any adverse report made by the law enforcing agency against the petitioner, the respondent banks on its own cannot freeze the petitioner's bank accounts.

6. In view of the above, this Court directs the respondent banks to defreeze the bank accounts, which have been freezed by the respective



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respondent banks so as to the person authorised under the Bye-law to enable him to operate the bank accounts of the petitioner. However, it is made clear that, if any restraint order is passed against the petitioner society or any adverse report is received from the law enforcing agency against the petitioner, the authorised person will not be entitled to operate the said bank accounts.

7. With the above directions, this Writ Petition stands disposed of. No costs and in view of the above order being passed in this Writ petition, no further order is necessary in the connected Miscellaneous petitions and accordingly, the same are closed.

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NCC : Yes/No
Index : Yes/No
Speaking Order : Yes/No

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1. The Regional Passport Officer,
Regional Passport Office, Chennai
Royala Towers No.2 & 3, IV Floor,
Old No.785, New No.158, Anna Salai,
Chennai – 600 002, Tamil Nadu.
2. The Inspector of Police,
E-1 Police Station
Mylapore, Chennai – 4.
3. The Head of Branch,
CBI/BSFB, 36, Bellary Road,
2nd Floor, CBI Complex,
Bangalore – 560 032.
4. The Head of Branch,
CBI/ACB, 3rd Floor, Sastri Bhavan,
26, Haddows Road, Nungambakkam,
Chennai – 600 006.

M.DHANDAPANI, J.

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