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W.P.No.8759 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 01.04.2024**

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**W.P. No.8759 of 2024**

S.Rudhramoorthy

... Petitioner

Vs.

1.The Banking Ombudsman,  
Chennai Centre,  
C/o Reserve Bank of India Fort Glacis,  
Chennai – 600 001.

2.ICICI Bank Ltd.,  
Arumbakkam Branch,  
No.439/8, PH Road,  
Chennai – 600 106.

... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to conduct enquiry and pass orders on the complaint made by the petitioner dated 07.11.2023, in ref.No.N202324023390579 pending on his file, in accordance with law.

For Petitioner

: Mr.P.Raja



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## **ORDER**

The *lis* on hand has been instituted to direct the 1<sup>st</sup> respondent to conduct an enquiry and pass order based on the complaint made by the petitioner dated 07.11.2023 in Ref.No.N202324023390579.

2. The petitioner states that there was some fraudulent transactions occurred in his bank account in ICICI Bank Limited, Arumbakkam Branch.

3. In respect of fraudulent transactions, the petitioner has registered a criminal complaint in FIR No.87/2023 dated 26.09.2023 on the file of the District Central Crime Branch at Tiruvallur. Investigations are in progress. Meanwhile, the petitioner submitted an application before the Banking Ombudsman, Chennai Centre, to protect the money taken from his account by fraudulent means. The said petition before the Ombudsman is pending. Thus, the present writ petition came to be instituted for a direction to fix time limit for disposal of the complaint.



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4. Such a direction if issued in a mechanical manner, it would affect the opportunity of other litigants, who all are waiting for disposal before the Courts. A direction to disposal of an appeal or petition would do no service to the cause of justice.

5. Contrarily, the forum or authority may not be in a position to deal with all cases in a systematic manner. Every Court is empowered to regulate the cases on its own and dispose of the same by following the procedures. Such directions issued would cause prejudice to the interest of the other litigants, who all are waiting for disposal of their cases in the order of seniority.

6. This Court on earlier occasions passed several orders that such directions would cause inconvenience to the Courts and prejudice to the interest of the litigants. The said view has now been confirmed by the Hon'ble Supreme Court of India in the case of ***High Court Bar Association, Allahabad vs. State of U.P. & Ors.*** in Criminal Appeal No.3589 of 2023, which reads as under:

*“32. Therefore, constitutional Courts should not*



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*normally fix a time-bound schedule for disposal of cases pending in any Court. The pattern of pendency of various categories of cases pending in every Court, including High Courts, is different. The situation at the grassroots level is better known to the judges of the concerned Courts. Therefore, the issue of giving out-of-turn priority to certain cases should be best left to the concerned Courts. The orders fixing the outer limit for the disposal of cases should be passed only in exceptional circumstances to meet extraordinary situations.*

*33. There is another important reason for adopting the said approach. Not every litigant can easily afford to file proceedings in the constitutional Courts. Those litigants who can afford to approach the constitutional Courts cannot be allowed to take undue advantage by getting an order directing out-of-turn disposal of their cases while all other litigants patiently wait in the queue for their turn to come. The Courts, superior in the judicial hierarchy, cannot interfere with the day-to-day functioning of the other Courts by directing that only certain cases should be decided out of turn within a time frame. In a sense, no Court of law is inferior to the other. This Court is not superior to the High Courts in the judicial hierarchy. Therefore, the Judges of the High Courts should be allowed to set their priorities on a rational basis. Thus, as far as setting the outer limit is concerned, it should be best left to the concerned Courts*



*unless there are very extraordinary circumstances.”*

7. In view of the principles settled by the Hon'ble Apex Court, the relief as such sought for cannot be considered. Consequently, the writ petition stands **dismissed** at the admission stage itself. No costs.

**01.04.2024**

Index : Yes/No  
Speaking order: Yes/No  
Neutral Citation : Yes/No  
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To

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**S.M.SUBRAMANIAM, J.**

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