



WEB COPY



W.P.No.11271 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.11271 of 2024

R.Ramesh

... Petitioner

Vs.

1.The Bank Manager,
State Bank of India,
46, BYI, Luz Church Road,
Mylapore,
Chennai District – 600 028.

2.The Assistant Commissioner (ST),
Amaidakarai Assessment Circle,
No.F-50, 1st Avenue, Anna Nagar East,
Chennai – 600 102.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 1st respondent to transfer the petitioner's money Rs.5,00,000/- to the petitioner's Bank Account, HDFC Bank, Madambakkam Branch, vide Account No.201425600000018 with interest from the date of transfer on 19.11.2023 to till the date of realization forthwith and consequently direct to pay compensation of Rs.1,00,000/- for mental agony.

For Petitioners : Mr.G.Peranban

For Respondents : Mr.B.Siva Kollapan [R1]



Mr.C.Harsha Raj
Additional Government Pleader [R2]

ORDER

This Writ Petition has been filed by the petitioners seeking for a Writ of Mandamus, to direct the 1st respondent to transfer the petitioner's money Rs.5,00,000/- to the petitioner's Bank Account, HDFC Bank, Madambakkam Branch, vide Account No.201425600000018 with interest from the date of transfer on 19.11.2023 to till the date of realization forthwith and consequently direct to pay compensation of Rs.1,00,000/- for mental agony.

2. Mr.B.Siva Kollapan, learned counsel, accepts notice on behalf of the 1st respondent and Mr.C.Harsha Raj, learned Additional Government Pleader, accepts notice on behalf of the 2nd respondent. In view of the consent expressed by the learned counsel for the parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioners is that, he is maintaining a bank



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account in HDFC Bank, Madambakkam Branch and he had availed internet banking facility with his bank and also maintaining beneficiary bank account list. Unfortunately, on 19.11.2023, he had wrongly sent a sum of Rs.5,00,000/- to KFJ Gold and Diamonds Pvt Ltd., (Account No.30251460821) instead of sending money to one Kanagaraj (Account No.30314289833). Immediately, he had sent grievance letters to his banker to return the money and also to the respondents 1 and 2. However, the said amount was not re-transferred to the petitioner's bank account. Therefore, the petitioner has filed this writ petition before this court.

4. Though very many grounds have been raised in this writ petition, learned counsel for the petitioner submitted that, it would suffice, if this Court issues a direction to the 1st respondent to transfer the petitioner's money of Rs.5,00,000/- to his bank account with interest from the date of transfer on 19.11.2023 to till date of realization and also to pay compensation of Rs.1,00,000/- for mental agony, within a time frame that may be stipulated by this court.

5. Learned Additional Government Pleader appearing for the 2nd



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respondent submitted that, if the petitioner is ready to execute an indemnity bond in favour of the 2nd respondent, the amount will be re-transferred to the petitioner's bank account. Learned counsel appearing for the petitioner has consented for the same.

6. In view of the above submissions, this court, without going into the merits of the case, directs the petitioner to execute an indemnity bond in favour of the 2nd respondent, within a period of two (2) weeks from the date of receipt of a copy of this order. Upon receipt of the same, the 2nd respondent is directed to issue NOC, within a period of two (2) weeks thereafter. After issuance of NOC, the 1st respondent is directed to transfer the said amount of Rs.5,00,000/- to the petitioner's bank account within a period of four (4) weeks thereafter.

7. With the above directions, this writ petition is disposed of. No costs.

28.10.2024

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes/No
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To

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M.DHANDAPANI, J.

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