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W.P.No.19580 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.19580 of 2024

and

W.M.P.Nos.21440, 21441 & 21442 of 2024

Sureshkumar Gunasekaran

... Petitioner

Vs.

1. Inspector of Police,
City Police Office,
Buckinghampeta,
Vijayawada,
Andhra Pradesh – 520 002.

2. HDFC Bank,
Perumbakkam Branch,
Ground & First Floor,
No.6, Kailash Nagar,
Medavakkam Road,
Sholingannalur,
Chennai – 600 100.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent's impugned email dated 19.10.2023 quash the same and consequently direct the 2nd respondent herein to de-freeze the petitioner's savings bank account vide Bank Account No.50100007072510 held at the 2nd respondent's branch and permit the



W.P.No.19580 of 2024

petitioner to operate the same.

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For Petitioner : Mr.K.M.C.Arunmogan

For Respondents : Mr.L.Baskaran

Government Advocate (Crl.Side) [R1]

No appearance [R2]

ORDER

This Writ Petition has been filed seeking for a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent's impugned email dated 19.10.2023 quash the same and consequently direct the 2nd respondent herein to de-freeze the petitioner's savings bank account vide Bank Account No.50100007072510 held at the 2nd respondent's branch and permit the petitioner to operate the same.

2. Mr.L.Baskaran, learned Government Advocate (Crl.Side) accepts notice on behalf of the 1st respondent. In view of the consent expressed by both the parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that, he is having a savings bank account with the 2nd respondent since the year 2013. Whiles, on 28.09.2023, an amount of Rs.2,47,000/- was credited to the petitioner's



W.P.No.19580 of 2024

bank account and he was neither aware of the credit nor the source of the credit. Without providing an opportunity of hearing to the petitioner, the 2nd respondent by way of impugned e-mail dated 19.10.2023 had intimated the petitioner that his bank account had been frozen or imposed with money outflow restriction. Challenging the same, the petitioner has filed the present writ petition before this court.

4. Learned counsel appearing for the petitioner submits that, as per the impugned e-mail dated 19.10.2023, the petitioner had immediately approached the 2nd respondent for getting clarification and the 2nd respondent had informed that the impugned e-mail was issued as per the oral instructions received from the 1st respondent police. Even after appearing before the 2nd respondent, the 2nd respondent bank has not passed any further order for de-freezing the bank account of the petitioner, which is *per se* unsustainable. Accordingly, he prays for appropriate orders.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the 1st respondent. Though notice was served and the name of the 2nd respondent was printed



W.P.No.19580 of 2024

in the cause list, however, no one appeared on behalf of the 2nd respondent. Considering the nature of the case, this Court is inclined to dispose of the same based on the materials available on record.

6. A perusal of the impugned e-mail dated 19.10.2023 reveals that the 2nd respondent bank has informed the petitioner that they have temporarily paused debit transactions (money outflows) from his bank account and they have requested the petitioner to visit the home branch with KYC documents, business details, including turnover, nature of transactions, source of funds, income tax returns and information about any other banking relationships. It is claimed by the petitioner that he appeared before the 2nd respondent, however, the 2nd respondent has not passed any further order.

7. In view of the above, this court, without interfering with the impugned e-mail dated 19.10.2023, directs the petitioner to appear before the home branch as indicated in the impugned e-mail dated 19.10.2023 of the 2nd respondent bank on **04.11.2024** along with all the necessary documents as requested by the 2nd respondent bank. On appearance, the 2nd respondent bank is directed to pass reasoned order, including the



W.P.No.19580 of 2024

communication received from the 1st respondent police as against the petitioner with regard to the alleged bank transactions.

8. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected writ miscellaneous petitions are closed.

28.10.2024

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

Note: Issue order copy on or before 30.10.2024.

To

1.The Inspector of Police,
City Police Office,
Buckinghampeta,
Vijayawada,
Andhra Pradesh – 520 002.

2.HDFC Bank,
Perumbakkam Branch,
Ground & First Floor,
No.6, Kailash Nagar,
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W.P.No.19580 of 2024

M.DHANDAPANI, J.

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W.P.No.19580 of 2024

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