



W.P.No.24762 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2024

CORAM :

THE HONOURABLE **MR. JUSTICE M.DHANDAPANI**

W.P.No.24762 of 2024

Elangovan

...Petitioner

Vs.

1. The Branch Manager,
Indian Bank,
Red Hills Branch, Chennai District.
2. The Branch Manager,
Indian Overseas Bank,
Periyar Nagar Branch, Chennai District.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the respondents to consider the petitioner's representation dated 23.02.2024 and direct to give the Cheque amount Rs.4 lakhs along with interest from the year of 2012.

For Petitioner : Mr.V.Gunasekar



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ORDER

The petitioner has filed this Writ petition seeking direction to the respondents to give the Cheque amount of Rs.4 lakhs along with interest from the year of 2012 to the petitioner by considering his representation dated 23.02.2024.

2. Since no adverse order is being passed against the respondents, notice to the respondents is dispensed with.

3. The case of the petitioner is that, the petitioner deposited two cheques bearing Nos.533629 & 23630 for a sum of Rs.4,50,000/- and Rs.2,00,000/- respectively in his account with the 2nd respondent bank. When the petitioner updated his passbook, he found that only a sum of Rs.2,00,000/- has been credited to the petitioner's account and a sum of Rs.4,50,000 was not credited in his account. Thereafter, upon verification with the 1st respondent bank, the petitioner found that one person viz., Suresh @ Suresh Kumar had taken the aforesaid amount of Rs.4,50,000/- through self cash mode by making forged signature and by tearing the corner of the cheque. In this regard, the petitioner gave a complaint and a criminal case was also registered



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against the said Suresh @ Suresh Kumar. Further, the petitioner also gave a detailed representation dated 23.02.2024 to the respondents, seeking compensation of Rs.4,00,000/- along with interest. Despite receiving the same, till date, the respondents have not take any steps. Hence, the petitioner has come up with the present writ petition.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. Though very many grounds have been raised by the learned counsel for the petitioner at the time of arguments, when this Court expressed its opinion, that the issue involved in the present case pertains to disputed questions of facts and is purely civil in nature and the same cannot be entertained under Article 226 of the Constitution, the learned counsel for the petitioner restricted his prayer and sought permission of this Court to file appropriate suit before the jurisdictional Civil Court against the erred officials and the said Suresh @ Suresh Kumar.

6. In view of the aforesaid stand taken by the learned counsel for the petitioner, this Court without expressing any opinion on the merits of the



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case, grants liberty to the petitioner to file appropriate suit before the jurisdictional Civil court against the erred officials and the said Suresh @ Suresh Kumar and workout his remedy in the manner known to law.

7. Accordingly, this Writ Petition stands disposed of with a liberty as sought for by the learned counsel for the petitioner. No costs.

29.08.2024

skt

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

To:

1. The Branch Manager,
Indian Bank,
Red Hills Branch, Chennai District.
2. The Branch Manager,
Indian Overseas Bank,
Periyar Nagar Branch, Chennai District.

M.DHANDAPANI, J.



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