



WEB COPY



W.P.No.31940 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.08.2024

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.31940 of 2023
and W.M.P.Nos.31520 & 31521 of 2023

Sri Saraswati Vikas Matriculation Higher Secondary School
Rep. by its Correspondent
P.Ganesan
No.41-A/35, Vedyappan Kovil 2nd Street
Tiruvannamali 606 602

... Petitioner

Vs.

1.State Bank of India
Rep. by its branch Manager
Tiruvannamalai Town Branch (10665)
No.1, 3rd Street
Gandhi Nagar
Tiruvannamalai 606 601

2.M.P.Ramachandran
No.15A/18, Vedyappan Koil Street
Tiruvannamalai Town
Tiruvannamali 606 602.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned letter issued by 1st Respondent in Ref. No.:Tvm Twn/2023-24, dated 13.04.2023 thereby refusing to defreeze the operation of the Bank Account No.32123924629 and to quash the same illegal, arbitrary and abuse of



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power and direct the first Respondent to defreeze the operation of the said bank account within a time frame.

For Petitioner : Mr.R.Veeramani
For Respondents : Mr.S.V.Karthikeyan (for R2)
R1 - No representation

ORDER

This Writ Petition has been filed seeking to quash the impugned letter issued by 1st Respondent in Ref. No.:Tvm Twn/2023-24, dated 13.04.2023 thereby refusing to defreeze the operation of the Bank Account No.32123924629 and to quash the same illegal, arbitrary and abuse of power and direct the first Respondent to defreeze the operation of the said bank account within a time frame.

2. It is the case of the petitioner that he is the Managing Trustee of Jayalakshmi Ammal Educational Trust. It is running an Educational Institution by name Sri Saraswathi Vika Matriculation Higher Secondary School at No.683/1 Vettavalam Road, Thiruvannamalai. The trust was found by the petitioner and the second respondent herein was an organising trustee.

3. According to the trust deed, the decision of the majority trustees is final and if they are equally divided, the chairman of the trust will have a veto power



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or acting vote. The second respondent herein started acting against the interest of the trust. A show cause notice was issued on 01.06.2022. For which, he issued a reply dated 08.06.2022.

4. The board of trustees after deliberation found that the said explanation was not satisfactory. Therefore, in the meeting held on 10.06.2022, after due notice, it was unanimously resolved to remove the second respondent from the primary position of trustee and from the office of treasurer of the school as per the decision taken by the board of trustees. A supplement deed was registered vide document No.84 of 2022 and it has become final. However, vide another supplement deed document No.85 of 2022, the second respondent's wife Rupavalli was removed. However, she made a complaint registered in FIR No.I of 2023 as if her signature in the resolution attached to the supplement deed in document No.85/2022 of hers and it is forged. In fact, there was no need for commission of forgery as the decision of majority of the trustees will prevail. Further AB was granted and refer to the Hon'ble High Court Mediation, subsequently mediation was failed. Pending mediation, the second respondent made a representation to the first respondent for freezing the bank account as though he obtained a court direction stating the dispute between the petitioner



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and the second respondent. The Bank manager acting as a puppet in the hands of the second respondent froze the bank account. As a consequence of freezing the account that the petitioner was not capable to pay the salary to staff and to pay taxes regarding the educational trust. Therefore, the petitioner made a representation to the first respondent to redress his grievance. However, the first respondent has passed the present impugned order by directing the petitioner to approach the Court.

5. The learned counsel for the petitioner that the second respondent has already been removed from the Trust by board resolution and supplement deed registered in document No.84/2022. It has become final. At the instance of the second respondent, the first respondent's bank should not have frozen the operation of the bank and that too without notice.

6. Heard the learned counsel for the petitioner and the learned counsel for the second respondent and perused the materials available on record.

7. It appears that there was a property dispute between the petitioner and the second respondent. The second respondent was removed from the petitioner Trust and subsequently, he made a complaint before the first respondent and



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therefore, the account has been freezed. The petitioner has come up with this petition to defreeze the account. The issue between them is purely civil dispute and the same can be resolved only before the Director of Private School Education under Section 18 of Tamil Nadu Recognised Private Schools (Regulation) Act, 1973 and this Court cannot adjudicate the issue under Article 226 of Constitution of India.

8. In such view of the matter, this Court directs the petitioner and the second respondent to appear before the Director of Private School Education on 10.12.2024 and made a fresh representation along with all the relevant documents and also a copy of this order to resolve the dispute between them. The Director shall consider the same and pass appropriate orders within a period of four weeks from the date of receipt of the representation from the petitioner and the second respondent.

M.DHANDAPANI.J,

rli

9. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.



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Index : Yes/No
Neutral citation : Yes/No
Speaking Order/Non-Speaking Order

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To
The Branch Manager
State Bank of India
Tiruvannamalai Town Branch (10665)
No.1, 3rd Street
Gandhi Nagar
Tiruvannamalai 606 601

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