



W.P.No.35246 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.35246 of 2023

M/S.Gee Kay Fashions,
Rep. By Its Partner G. Tamilselvi
W/o. M.S. Ganesan,
27/6, Lakshmi Nagar,
50 Feet Road, Tiruppur,
Tiruppur District.

... Petitioner

Vs.

1. The Banking Ombudsman,
The Office Of The Banking Ombudsman,
Tamil Nadu And Union Territories
Of Puducherry And Andaman And Nicobar Islands,
Reserve Bank Of India Building (II Floor),
Fort Glacis, Post Box No. 40,
16, Rajaji Salai, Chennai-600 001.

2. The Bank Of Baroda,
Sarkarperiapalyaam Branch,
Uthukuli Main Road,
Coolipalayam Naal Road,
Sarkarpetiapalayam Post,
Tiruppur District.

3. The Hongkong And Shanghai Banking Corproation Limited,
Race Course Branch,
Sir Vari Gokul Towers,
108, Race Course Road,
Coimbatore District.



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4. M/S. The Gold Spun Corps.

Rep. By Its Partners Mr. Joseph Herald And Selvi Jerald,

No. 9, Pvc Nagar, Valayankadu,

Tirupur-641 603.

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the Respondent No.1 herein to consider and dispose of the petitioner's Complaint No.201314006007645 dated 09.05.2014 within a stipulated time frame fixed by this Honourable Court.

For Petitioner : Mr.P.Vetrivel

For Respondents : No Appearance (for R1);

Mrs.Revathi Mani Vannan (for R2);

Mr.Deepak Krishnan for
M/s.R & P Partners (for R3);

R4- Not ready in Notice.

ORDER

The writ of mandamus has been instituted to direct the first respondent to consider and dispose of the complaint submitted by the writ petitioner on 09.05.2014.

2. The writ petition has been instituted after a lapse of about 9 years from the date of sending the complaint to the first respondent Banking



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Ombudsman. The learned counsel for the second respondent, would submit that the complaint filed in the year 2014 lost its relevance and therefore, the writ petition is to be rejected.

3. The writ petitioner has slept over his right for about 9 years after sending the complaint to the Banking Ombudsman. The High Court cannot issue a direction to dispose of the complaint in a routine manner, as it would cause prejudice to the institution and the parties.

4. The Hon'ble Supreme Court of India, in the case of ***High Court Bar Association, Allahabad vs. The State Of Uttar Pradesh and others***, reported in ***CDJ 2024 SC 143*** held as follows:

“32. Therefore, constitutional Courts should not 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.



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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.”

5. In view of the principles considered by the Hon'ble Supreme Court of India in the above judgement, the direction as such sought for, at this length of time, cannot be granted. However, it is for the petitioner to work out his remedy in the manner known to law to readdress his grievances.



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6. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

02.04.2024

Index : Yes
Speaking Order
Neutral Citation : Yes
(sha)

To

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S.M.SUBRAMANIAM. J.,

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