



W.P.(MD)Nos.8439 & 8440 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 03.12.2024

CORAM:

THE HONOURABLE **MR.JUSTICE G.K.ILANTHIRAIYAN**

W.P.(MD)Nos.8439 & 8440 of 2019

W.P.(MD)No.8439 of 2019

P.Soundrapandian

... Petitioner

/Vs./

1. The Chief Manager,
Indian Bank, Gnanaolivuuram Branch,
D.No.1, A.A.Road, Madurai - 16.
2. The Zonal Manager,
Zonal Office, Indian Bank, East Avanimoola Street,
Madurai - 1.
3. E.Mandhiramoorthi
(R3 is Suo Motu impleaded vide
Court order dated 12.01.2023 in WP(MD).Nos.
8439 and 8440/2019)

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India,
To issue a Writ of Mandamus directing the respondents to redeposit of
fixed deposit amount of Rs.10,00,000/- and Rs.92,802/- to the
petitioner's savings account of Indian Bank, Gnanavolivupuram Branch
Madurai in this regard the petitioner sent a representation on 18.03.2019
to the respondents by not consider the petitioner representation.

W.P.(MD)No.8440 of 2019

P.Soundrapandian

... Petitioner



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8439 and 8440/2019)

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, To issue a Writ of Mandamus directing the respondents to continue the petitioner's saving account and cancel the hold and continue to proceed to the petitioner's Indian Bank savings account without any intervenes by the respondents, by considering the representation of the petitioner dated 20.03.2019.

For Petitioner : Mrs.I.Saliyakhan

For Respondents : Mr.M.Senthil Kumar for R1 & 2

: Mr.C.M.Arumugam for R3

COMMON ORDER

These Writ Petitions have been filed to consider the representation of the petitioner dated 18.03.2019 and 20.03.2019 respectively.

2. Heard the learned counsel on either side and perused the materials available on record.



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3. The third respondent, who is the nephew of the petitioner, approached the petitioner to deposit a sum of Rs.10,00,000/- into the Fixed Deposit in the name of the third respondent and his wife. Already the third respondent has account in the Town Hall Branch of Indian Bank, Madurai. Utilizing the said circumstances, the petitioner opened the account in his name and the third respondent's wife, viz., Ramalakshmi jointly. Thereafter, he made deposit a sum of Rs.10,00,000/- in the name of the petitioner as well as the said Ramalakshmi as Fixed Deposit. Within three months, the said Fixed Deposit was pre-closed by the petitioner, without consent of the co-depositor, namely the wife of the third respondent. He transferred to the amount to his personal account with Indian Bank, Gnanaolivuuram Branch, Madurai, as Fixed Deposit in his name. Therefore, a criminal complaint has been lodged as against the petitioner by the third respondent and the same was registered in Crime No.604 of 2018. After completion of investigation, charge sheet filed and the same has been taken cognizance in C.C.No.631 of 2020 and it is pending for trial before the Judicial Magistrate No.II, Madurai. In fact, the petitioner filed a petition before this Court in CrI.O.P(MD)No.17 of 2022, seeking to



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quash the entire proceedings of C.C.No.631 of 2020 and the same was also dismissed.

4. The petitioner is facing the trial before the criminal Court, whereas the case of the petitioner is that he had deposited a sum of Rs.10,00,000/- from his own pocket as Fixed Deposit and sought direction to disburse the same in his favour. Further, the case of the petitioner is that the third respondent borrowed money from the petitioner and in order to repay the same, he issued cheque and the same was deposited in his account at Town Hall Branch, Indian Bank, Madurai.

5. On perusal of the records, it revealed that originally the fixed deposit was made by the petitioner and in the name of the third respondent's wife and within short period of time, it was pre-closed on the request made by the petitioner alone. The said amount was transferred to the personal account in Indian Bank, Gnanaolivuuram Branch, Madurai, and thereafter, the said amount has been deposited in the fixed deposit in the name of the petitioner. Pursuant to the criminal case, the account of the petitioner also now has been frozen and the petitioner is not permitted to operate the account. In fact, the petitioner



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also approached the Consumer Court on filing the complaint as against the Banker in C.C.No.17 of 2017 and also filed a Writ Petition in W.P. (MD)No.468 of 2019 and the same were dismissed. The petitioner failed to prove that the deposit of Rs.10,00,000/- was made from his own money with Indian Bank, Gnanaolivuuram Branch, Madurai, There is a record to show that at the request of the petitioner, the fixed deposit, which was made in the name of the petitioner and the wife of the third respondent in the Town Hall Branch, Indian Bank, Madurai, was pre-closed and the said amount was transferred to his personal account. Subsequently, the said amount made as a fixed deposit and it is lying with Indian Bank, Gnanaolivuuram Branch, Madurai as fixed deposit. That part, this issue has been seized of by the criminal Court and it is pending for trial in C.C.No.631 of 2020 on the file of the Judicial Magistrate No.II, Madurai.

6. In view of the above, both the writ petitions are devoid of merit and these petitions are liable to be dismissed. Accordingly, these Writ Petitions are dismissed. No costs.

03.12.2024

Internet : Yes/No
NCC : Yes / No
Index : Yes/No
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G.K.ILANTHIRAIYAN, J.

LS

TO:-

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2. The Zonal Manager,
Zonal Office, Indian Bank, East Avanimoola Street,
Madurai - 1.

Order made in
W.P.(MD)Nos.8439 & 8440 of 2019

Dated:
03.12.2024