



W.P.(MD).No.16367 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2024

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD).No.16367 of 2016

Dr.Arunachalam Thenappan

...Petitioner

Vs

- 1.The Reserve Bank of India,
Reserve Bank of India Building,
Fort Glacis,
Post Box No.40,
16, Rajaji Salai,
Chennai – 600 001.
- 2.The Banking Ombudsman,
(Tamil Nadu and Union Territories of
Puducherry and Andaman & Nicobar Islands),
Reserve Bank of India Building (II Floor),
Fort Glacis,
Post Box No.40,
16, Rajaji Salai,
Chennai – 600 001.
- 3.The Superintendent of Police,
Sivagangai District,
Sivagangai.
- 4.The Inspector of Police,
District Crime Branch,
Sivagangai,
Sivagangai District.



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5.The Branch Manager,
City Union Bank,
Karaikudi Branch,
Sivagangai District.

6.T.Palaniappan

... Respondents

*(R-6 is impleaded vide Court Order dated 25.08.2022 in W.M.P.(MD)
No.1719 of 2020 in W.P.(MD)No.16367 of 2016)*

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in Ref.No.BO(Che)/5128/C-002630/2015-16 dated 22.12.2015, of the second respondent and quash the same and consequently direct the fifth respondent to transfer the petitioner's amount in Fixed Deposit dated 14.12.2013 in Deposit Receipt No.5511843 for Rs.34,31,300/- with accrued interest to the petitioner's NRO Savings Bank Account No. 050001001695752 in the fifth respondent Bank.

For Petitioner : Mr.A.N.Ramanathan

For R-1 and R-2 : No Appearance

For R-3 and R-4 : Ms.M.Aasha
Government Advocate
(Criminal Side)

For R-5 : Mr.T.S.Gopalan
Senior Counsel

For R-6 : Mr.P.Saravana Kumar



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ORDER

WEB COPY Heard Mr.A.N.Ramanathan, learned counsel for the petitioner, Ms.M.Aasha, learned Government Advocate (Criminal Side) for the respondents 3 & 4, Mr.T.S.Gopalan, learned Senior Counsel for the 5th respondent and Mr.P.Saravana Kumar, learned counsel for the 6th respondent.

2. The prayer in the Writ Petition seeks to quash the order passed by the Ombudsman dated 22.12.2015, rejecting the complaint made by the petitioner against the Bank.

3. The Ombudsman had recorded the undertaking given by the Bank that they would effect payment based upon the outcome of the investigation. The relevant paragraph of the order impugned herein is extracted hereunder:

“3. In this connection, it is observed that the bank is awaiting completion of investigation by the Police authorities to proceed further in the matter. They have affirmed that they will effect payment to you based on the outcome of the investigation report. As the bank has clarified their position in the matter, there is no further cause for action at our end in the matter.”



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4. A perusal of the order reveals that the Bank undertook to effect payment upon conclusion of the investigation. The Ombudsman deemed this clarification sufficient, rendering no further cause for action. Presently, the investigation has concluded, and the respondent Police have submitted their final report before the Judicial Magistrate Court-II, Sivagangai.

5. Now that the investigation has been completed and the final report has been filed, it is incumbent upon the respondent Bank to honour the undertaking given before the Ombudsman, thereby facilitating closure of the complaint filed by the petitioner.

6. In view of the above, the Writ Petition is disposed of with a direction to the fifth respondent bank to take a position based upon the report filed by the Investigation Agency dated 13.02.2018, within a period of four weeks from the date of receipt of a copy of this order. No costs.

14.11.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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To:

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K.KUMARESH BABU, J.

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