



W.P(MD)No.27608 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27608 of 2023

and

W.M.P.(MD)No.23714 of 2023

Friends of Kottar,
Rep. by its Secretary,
Fr.M.Arul Devadhasan,
Registered No.9/1980,
Annai Velankanni College Campus,
Tholayavattam Post,
Kanyakumari District.

... Petitioner

Vs.

1.The Regional Manager,
Indian Overseas Bank,
Vettornimadam,
Nagercoil,
Kanyakumari District.

2.The Branch Manager,
Indian Overseas Bank,
Mankarai,
Kanyakumari District.

3.Xavier James Raj

4.Gladys Lily Paulsamy
(R3 & R4 are impleaded vide order
in W.M.P.(MD)No.23926 of 2023 dated 08.01.2024)

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the Respondents herein to revoke the Debit freeze made in Account No.074401000003571 stands in the name of Annai Velankanni College, Tholayavattam operated with the KYC as PAN.No.AAAAF2025P of the Friends of Kottar Society, the owner of the college, and permit to operate the Bank Account by the change of signatories till the next election to the Executive Committee of the Board, furnished before the bank as interim measure on the basis of petitioners Representation made before the 2nd Respondent herein in person dated 09.11.2023 and 13.11.2023 respectively.

For Petitioner : Mr.K.Govindarajan
for Mr.B.Brijesh Kishore

For Respondents : Mr.N.Dilip Kumar
for R1 & R2
: Mr.R.Anand for R3 & R4

ORDER

Heard both sides.

2. There is a college known as Annai Velankanni College in Tholayavattam in Kanyakumari District. Some issues have arisen in view of the amalgamation of the two societies namely Annai Velankaani College Administrative Society & Friends of Kottar. Challenging the amalgamation,



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W.P.(MD)No.3872 of 2023 was filed. The Writ Petition was allowed today. As a result, the position that originally obtained prior to amalgamation has been restored. This may result in disruption of the college functioning. In fact, during the pendency of these writ petitions, the bank had frozen the petition mentioned bank account. On 21.12.2023, the following interim order was passed:-

“For want of time, the issues raised in these writ petitions are not being taken up for adjudication at this stage. The society is running a college known as Annai Velankanni College. Its staff will have to be paid salary. The Principal of the College will furnish the details to the Branch Manager, Indian Overseas Bank, Mankarai, Kanyakumari District. In the said statement, the name of the staff of the college and their account numbers shall be mentioned. It shall be a signed statement affixing the seal of the college. The Principal of the college shall appear in person before the Branch Manager and hand over the signed statement.

2. The Branch Manager will satisfy himself regarding the identity of the person. Thereupon, the Branch Manager shall directly transfer the salary amount to the respective accounts mentioned in the statement of the college Principal. The amounts will be disbursed from the petition mentioned account.”

3. It is stated that pursuant to the said interim order, the staff are getting their salaries. This arrangement will continue till the issues are resolved. The learned counsel for the petitioner states that in view of the restrictive nature of the arrangement, PF and ESI and income tax deduction could not be made. The management can always arrive at an understanding with the individual employees so that these amounts are duly credited.



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4. This Writ Petition is disposed of by making the earlier interim order made absolute. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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