



W.P.(MD).No.29562 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.12.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.29562 of 2024

T.P.Baskar

... Petitioner

Vs.

1.The Union of India,
Through its Secretary,
Ministry of Home Affairs,
New Delhi - 110001.

2.The Bank Manager,
ICICI Bank,
Thillai Nagar Branch,
Thillai Nagar,
Tiruchirappalli.

3.The Sub Inspector of Police,
Hudkeshwar Police Station,
Nagpur City,
Maharashtra.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent to de freeze the petitioner account in ICICI SB ACCOUNT 613401500362 and further allow the petitioner to operate the account in so far as the amount available other than the lien amount based on the petitioner's representation dated 14.09.2024.



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For Petitioner : Mr.P.Sujai Krishana
For R-1 : Mr.Vidhya Maheswar,
Central Government Standing counsel
For R-2 : Mr.Antony,
Standing counsel

ORDER

By consent of both the parties, this writ petition is taken up for final hearing at the admission stage itself.

2.This Writ petition is filed to direct the 2nd respondent to de freeze the petitioner's account in ICICI SB ACCOUNT 613401500362 and further allow the petitioner to operate the account in so far as the amount available other than the lien amount based on the petitioner's representation dated 14.09.2024.

3.Considering the limited scope of the relief sought for by the petitioner herein, notice to the 3rd respondent is dispensed with.



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4. Heard the learned counsels on either sides and carefully perused the materials available on record.

5. On a mail intimation from the 3rd respondent, the 2nd respondent bank had freezed the petitioner's account maintained with the 2nd respondent bearing ICICI SB ACCOUNT No.613401500362. However, the lien amount is only Rs.76,400/- (Rupees Seventy Six Thousand and Four Hundred only).

6. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondent to consider the same on its own merits and pass appropriate orders in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.



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7.Since the petitioner has made a representation on 14.09.2024 and the 2nd respondent has not acted upon so far, this Court hereby direct the 2nd respondent to mark a lien over the said amount of Rs.76,400/- (Rupees Seventy Six Thousand and Four Hundred only) and allow the petitioner to operate his ICICI SB ACCOUNT No.613401500362 as far as the remaining amount is concerned.

8.Accordingly, this writ petition stands allowed. No costs.

09.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

1.The Union of India,
Through its Secretary,
Ministry of Home Affairs,
New Delhi - 110001.

2.The Bank Manager,
ICICI Bank,
Thillai Nagar Branch,
Thillai Nagar,
Tiruchirappalli.



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L.VICTORIA GOWRI, J.

Sml

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