



WEB COPY



W.P.No.28836 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.01.2025

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.28836 of 2024

--

M.Mohammed Idrishkhan
S/o Mohammed Ali,
Proprietor of M/s.ELCO Enterprises
No.199, Hammeeda Building,
Angappan Street, Chennai-600001.

.. Petitioner

Vs.

1. Union of India,
Represented by its Secretary,
Ministry of Home Affairs,
New Delhi-110 001.
2. Reserve Bank of India,
Represented by its Governor,
Head Office, Mumbai, Maharashtra-400029.
3. National Cyber Crime Reporting Portal,
Represented by its Director,
National Highway - 8,
Mahipalpur, New Delhi, pin-110037
4. Station House Officer,
Cyber Crime Police Station,
Ganga Nagar, Rajasthan.

Page No.1/7



W.P.No.28836 of 2024

WEB COPY

5. The South Indian Bank,
Represented by Chief Manager,
No.64, Catholic Centre,
Armanian Street, Chennai-600001.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the fifth respondent to remove the marked the lien amount of Rs.9,60,259/- credited in petitioner current account in A/c.No.0042073000005384 maintained in the fifth respondent/Bank.

For petitioner : M/s.K.J.Shiva Arudhra

For respondents: Mr.M.Sathyan, ACGSC for RR-1 to 3

No appearance for R-4

Mr.Ambili Menon.P. for R-5

ORDER

The petitioner has filed the present Writ Petition praying for issuance of a Writ of Mandamus to direct the fifth respondent to remove the marked the lien amount of Rs.9,60,259/- credited in petitioner current account in A/c.No.0042073000005384 maintained in the fifth respondent/Bank.

2. The fifth respondent/South Indian Bank (represented by Chief Manager, No.64, Catholic Centre, Armenian Street, Chennai-600 001) has filed counter

Page No.2/7



W.P.No.28836 of 2024

affidavit, dated 04.01.2025, stating as follows:

WEB COPY

"1. I state and submit that I am the Authorised Signatory of the bank and I am competent to swear this counter affidavit and I am well aware of the facts and circumstances of this case. First and foremost, I deny all the contentions raised by the writ petitioner in the writ petition except that those are specifically admitted by the bank.

2. I state and submit that the writ petitioner had filed an earlier writ petition being W.P.No.14813 of 2024 seeking for a direction to defreeze the Current Account being A/c. No.0042073000005384 maintained in the name of M/s.ELCO Enterprise, a retail business run by the petitioner herein. The said writ petition was disposed with the direction to the 5th Respondent(us) to send communication to the petitioner stating the reason for freezing the petitioner's current account within a period of two weeks from the date of receipt of copy of the order.

3. I state and submit that accordingly, a communication vide letter dated 18.09.2024 was sent explaining the entire background of the matter. The said letter is part of the type set of paper filed by the petitioner in the writ petition as well.

4. I state and submits that the current account in the name of M/s.ELCO enterprises having the account number 00427073000005384 was opened by the petitioner on 01.12.2022. On 08.04.2023 we received a cyber fraud related complaint having reference no.22701230000779 against this account through the National Crime Reporting Portal register with the Rajasthan Jodhpur City Court. Based on the said complaint, the bank marked a lien of a sum of Rs.6,80,254/- on this account. After on further enquiry, we have come to understand that there are multiple Lien marked on this business account.

The details are hereunder:



WEB COPY



W.P.No.28836 of 2024

<i>Sl. No.</i>	<i>Lien Amount</i>	<i>Lien Marked Date</i>	<i>Reason</i>
1	Rs.680254	11.04.2023	Based on Cyber Crime Complaint No.22701230000779 from Rajasthan Police received on 09.01.2023
2	Rs.50005	11.04.2023	As per CEG mail dated 11.04.2023
3	Rs.230000	10.05.2024	Based on Cyber Crime Complaint No.21912220100348 from Maharashtra Police received on 10.05.2024

5. I further state and submit that whenever the petitioner visited the branch regarding these grievances, these complaints were shown to him and we further humbly submit that we have not frozen the current account of the petitioner at the same time we have only marked the lien on that account.

6. We further states that we being a financial institution have only adhered to the law enforcement agencies. The earlier writ petition being W.P.No.14813 of 2024 was premature, we also here by attach copies of the complaint received from Jodhpur city police along with this counter affidavit.

7. We further state that the bench Judgment of the Kerala high court reported (annexed in the typeset as document no.9) in W.P.No.12960 of 2023 clearly distinguished between freezing the account and marking the lien on account on such cyber complaint. In para 12(a) of the order, it is clearly observed that court has confined the order of freeze against the account of the respective petitioner only to the extent of the amount mentioned in the order/Requisition issued to them by the police



W.P.No.28836 of 2024

authorities.

8. Therefore, we humbly submit that we have not freezed the account but only we marked as lien on the amount which is a subject of the cyber-crime complaint number 22701230000779 from the Rajasthan Police.

In the above circumstances, we are ready to adhere to any order passed by the Hon'ble Court in the above circumstances the Hon'ble Court may be pleased dismiss the writ in the Interest of Justice."

3. Learned counsel for the fifth respondent/South Indian Bank submitted that, based on the complaint received from the fourth respondent (Station House Officer, Cyber Crime Police Station, Ganga Nagar, Rajasthan), they have exercised the lien over the Bank account of the petitioner and they have not freezed any account of the petitioner.

4. Except the fifth respondent, the other respondents are in the other States, i.e., Mumbai (Maharashtra), Mahipalpur (New Delhi) and Station House Officer, Cyber Crime Police Station, Ganga Nagar (Rajasthan) and they have not filed counter affidavit. Therefore, in the above circumstances, this Court could not give any direction to the other respondents, regarding the complaint and allegations.



W.P.No.28836 of 2024

5. Hence, the petitioner is at liberty to work out his remedy in the manner known to law before the competent Court.

6. With the above observations, this Writ Petition is disposed of. There shall be no order as to costs.

08.01.2025

CS

To

1. Union of India,
Represented by its Secretary,
Ministry of Home Affairs,
New Delhi-110 001.
2. Reserve Bank of India,
Represented by its Governor,
Head Office, Mumbai,
Maharashtra-400029.
3. National Cyber Crime Reporting Portal,
Represented by its Director,
National Highway - 8,
Mahipalpur, New Delhi, pin-110037
4. Station House Officer,
Cyber Crime Police Station,
Ganga Nagar,
Rajasthan.
5. The South Indian Bank,
Represented by Chief Manager,
No.64, Catholic Centre,

Page No.6/7



W.P.No.28836 of 2024

Armanian Street, Chennai-600001.

WEB COPY

P.VELMURUGAN, J

CS

W.P.No.28836 of 2024

08.01.2025

Page No.7/7