

**W.P.No.39442 of 2025****M.DHANDAPANI, J.**

WEB COPY

This matter is listed today under the caption ‘for being mentioned’.

2. In view of the submission made by the learned counsel appearing for the 2nd respondent, paragraph 6 of the order dated 13.11.2025 stands modified as follows:-

*“6. Having considered the submissions made by both sides and on perusal of the material available on record, this Court directs the petitioner to submit the request letter, KYC documents, and the indemnity bond duly executed on stamp paper, along with any one of the documents mentioned in paragraph 12 of the counter affidavit. Upon such compliance, the 2nd respondent shall consider the petitioner’s request and pass appropriate orders for cancellation of the lost demand draft and for action, strictly in accordance with law, within a period of four (4) weeks from the date of submission of the required documents. **By processing the DD back to the petitioner, the 2nd respondent Bank’s liability will be discharged fully, for which, the petitioner has no serious objection.**”*

3. Registry is directed to carry out the said modification and issue a fresh order copy.

07.01.2026

kkn

Note: Issue order copy on 08.01.2026.



WEB COPY

WP No. 39442 of 2025



M.DHANDAPANI, J.

KKN

W.P.No.39442 of 2025

07.01.2026



WEB COPY

WP No. 39442 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-11-2025

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 39442 of 2025

Nazrudeen
S/o.Syed Mohideen, No.
4/12,Mahalingapuram Main Road,
Nungambakkam, Chennai -600 034.

Petitioner(s)

Vs

1. Reserve Bank of India,
No. 6, Sansad Marg, Sansad Marg Area,
New Delhi -110001.

2.M/s.ICICI Bank Ltd
Mahalingapuram Branch,
Nungambakkam, Chennai -600 034.

Respondent(s)

PRAYER

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent bank to forthwith refund the sum of Rs. 25,00,000/-being the value of the stale Demand Draft No. 501395 dated 08.06.2023,together with interest @ 18 percentage per annum from 21.10.2024 till the date of payment.

For Petitioner(s): M/s.K.Harishankar

For Respondent(s): Mr.C.Mohan & Ms.A.Rexy
Josephine Mary
for M/s.King And Partridge for
R2



ORDER

This writ petition has been filed, directing the 2nd respondent bank to forthwith refund the sum of Rs. 25,00,000/- being the value of the stale Demand Draft No. 501395 dated 08.06.2023, together with interest @ 18 percentage per annum from 21.10.2024 till the date of payment.

2.The case of the petitioner is that the petitioner is an account holder of the 2nd respondent Bank. The petitioner had issued a demand draft bearing No.501395 to one O.P. Bose for the service of brokerage for the purchase of a property located in Gandhi Nagar, Adyar, for a consideration of Rs.9,50,00,000/-. The petitioner, for this purpose, had entered an agreement of sale with Mrs.Santha Rajabather dated 08.06.2023. Further, the petitioner also entered into an agreement with O.P.Bose titled as Agreement of Commission and others. It was agreed that the brokerage shall be an amount of Rs.2,20,00,000/- and an advance of Rs.25,00,000/- was paid by the petitioner to O.P Bose by way of demand draft bearing No.501395, and the same was recorded in the agreement and the balance amount was agreed to be paid at the time of registration of the sale deed. After the execution of the agreement, there was no response from Santha Rajabather nor O.P Bose. Further, O.P Bose did not abide by the terms of the respective agreement executed with him and he did not encash the demand draft issued to him and it was also lost and could not be



traced. The petitioner had made several follow-ups to the 2nd respondent bank after the expiry period of the demand draft issued to O.P. Bose. The management of the 2nd respondent's bank has not abided by its own rules and has kept the petitioner's name in the suspense account for more than 2 years. It is the duty of the 2nd respondent to transfer the demand draft amount from suspense account to the petitioner's account, but the 2nd respondent has failed to do so despite several reminders. Therefore, the petitioner, through his counsel, issued a legal notice on 21.05.2025 to the 2nd respondent to take immediate steps to credit the amount of demand draft to the petitioner's account. However, the 2nd respondent neither transferred the amount nor replied to the legal notice. Hence, the present writ petition has been filed.

3.The learned counsel for the petitioner would submit that during the pendency of the writ petition, the 2nd respondent filed a counter affidavit, stating that, in cases where the cancellation of a misplaced or a lost demand draft involves a high amount, the petitioner is required to submit a Request letter, KYC documents, Idemnity to be taken duly executed on stamp paper and produce any one of the documents, namely I) NOC or consent from beneficiary (if purchaser initiated)/purchaser (if beneficiary initiated), ii) OR FIR copy, iii) OR Acknowledged police complaint copy, and iv) OR Court order. In view of the conditions stated in para 12 of the in the counter, the petitioner may be



directed to submit the Request letter, KYC documents and Indemnity to be taken duly executed on stamp paper with this order.

WEB COPY

4. The learned counsel appearing for the 2nd respondent would submit that if paragraph 12 of the counter is complied with, appropriate orders will be passed in favour of the petitioner within a reasonable time as fixed by this Court. For complying with this order, the bank shall not be held responsible for any action initiated by the petitioner or O.P. Bose. Even otherwise, the petitioner, being the drawer of the demand draft, has every right to request the bank to stop payment. In view of the stop-payment request and the deposit of the amount into his account, the bank is not responsible, in any way. The entire liability has to be borne by the account holder, namely, the petitioner, for which the respondent has no grievance.

5. Heard the learned counsel on either side and perused the records.

6. Having considered the submissions made by both sides and on perusal of the material available on record, this Court directs the petitioner to submit the request letter, KYC documents, and the indemnity bond duly executed on stamp paper, along with any one of the documents mentioned in paragraph 12 of the counter affidavit. Upon such compliance, the 2nd respondent shall



consider the petitioner's request and pass appropriate orders for cancellation of the lost demand draft and for action, strictly in accordance with law, within a period of four (4) weeks from the date of submission of the required documents.

7. With the above directions, this writ petition is disposed of. No costs.

13-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

uma

To

1. Reserve Bank of India

No. 6, Sansad Marg, Sansad Marg Area,
New Delhi -110001.

2.M/s.ICICI Bank Ltd

Mahalingapuram Branch,
Nungambakkam, Chennai -600 034.



WEB COPY

WP No. 39442 of 2025



M.DHANDAPANI J.
uma

WP No. 39442 of 2025

13-11-2025