



W.P.(MD) No. 22389 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No. 22389 of 2025

and

W.M.P.(MD) Nos.17469, 17470 & 17473 of 2025

C.Sudhahar

... Petitioner

Vs

1. The Manager,
Federal Bank,
Marthandam Branch,
PP Munusamy Shopping Complex,
Vettuvani Junction,
Marthandam,
Kanniyakumari District-629 165.

2. Prof.Dr.T.James Wilson.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records in the letter of the first respondent, dated 17.07.2025 pertaining to savings bank account No. 10270100125399 of the petitioner institution, quash the same as illegal, unconstitutional, and ultra vires and consequently, direct the first respondent to de-freeze savings bank account no. 10270100125399 of the petitioner institution



W.P.(MD) No. 22389 of 2025

WEB COPY

and allow the petitioner to operate the same without any restrictions.

For petitioner : Mr. S.Ramesh

For respondents : Mr.N.Dilip Kumar
Standing Counsel for R1
Mr.M.Venkatesan for R2

ORDER

This Writ Petition is taken up for hearing at the time of admission with the consent of the learned counsel for the petitioner, the learned Standing Counsel for the first respondent and the learned counsel for the second respondent.

2. This Writ Petition has been filed to quash the letter of the first respondent, dated 17.07.2025 pertaining to savings bank account No. 10270100125399 of the petitioner/College and direct the first respondent to de-freeze the said account of the petitioner/College and allow the petitioner to operate the same without any restrictions.

3. It is the case of the petitioner that the second respondent was a Chairman and Trustee of the petitioner/Trust and was removed unfairly by the petitioner on



W.P.(MD) No. 22389 of 2025

WEB COPY

15.02.2024. Aggrieved by the same, the second respondent had initiated a civil proceedings before the Sub Court, Padhmanabapuram in O.S.No.383 of 2024 and had secured an *ex parte ad* interim order on 26.11.2024. Subsequently, the petitioner moved I.A.No.4 of 2024, which was allowed whereby the interim order granted on 26.11.2024 was vacated. Aggrieved by the same, the second respondent also filed C.R.P.(MD)No.561 of 2025, which came to be dismissed by this Court on 27.02.2025.

4. That apart, the second respondent has also filed CrI.O.P.(MD) No.736 of 2025 to direct the respondents 1 and 2 therein/Police to grant police protection to the second respondent's life and limb in the interest of justice. By an order dated 25.04.2025, this Court had disposed of the Writ Petition stating that the prayer of the petitioner therein/second respondent herein had become infructuous as the examination had already been conducted. However, liberty was given to the second respondent to approach the Inspector of Police, Thiruvattar Police Station, Kanyakumari, if any criminal activities done by either party.



W.P.(MD) No. 22389 of 2025

WEB COPY

5. It appears that another petition in Crl.O.P.(MD) No.6469 of 2025 was filed by one Ashok Kumar/new Principal appointed by the petitioner to transfer the investigation in Crime No.2/2025 pending on the file of the aforesaid police station to CBCID police or any other agency appointed by the Court. By an order dated 25.04.2025, the following order came to be passed:

“6. According to the petitioner, he lodged a complaint against the respondents no.2 to 4 and others. Based on the same, a case in Crime No. 2 of 2025 was registered for the offences under Sections 191(2), 191(3), 324(4), 329(3), 296(b), 118(1), 351(3) and 303(2) (NP) BNSS, 2023, but the 1st respondent has not conducted a proper investigation and failed to defend the anticipatory bail application effectively. Therefore, the investigation has to be transferred. The 1st respondent, who is the investigating officer stoutly denied the allegations levelled in the petition and they also opposed to grant anticipatory bail application before the Sessions Court. By levelling the allegations that the 1st respondent has not effectively defended the anticipatory bail application alone is not a ground to transfer the case and no any specific allegations levelled against the investigating agency. It is an admitted fact that there is a dispute between the parties in respect of administering the college. Since this is a case and case in counter, the investigation has to be conducted by the same officer. Now the petitioner want to transfer the case in Crime No.2 of 2025 alone. Therefore, without any valid grounds, the transfer of investigation cannot be ordered. Therefore, as discussed above, this Court is of the opinion that the transfer of investigation cannot be ordered. However, this Court directs the 1st respondent to conduct a fair investigation without any bias. At the same time, the petitioner is at liberty to produce available materials with him in respect of the crime, to the Investigating Officer. In view of the same, this Criminal Original Petition is dismissed.”



W.P.(MD) No. 22389 of 2025

WEB COPY

6. Thus, it is the case of the second respondent that the second respondent was removed without following due procedure of law and therefore, the petitioner, who is claiming himself as the Principal of the Marthandam College of Engineering and Technology, has usurped the power vested with the Chairman/President of the Trust and therefore, this Writ Petition is liable to be dismissed.

7. The *inter se* dispute in the Management of the College would not mean that the second respondent is entitled to strangle the flow of funds, as it would hamper the administration and management of the College.

8. It is for the petitioner to work out the remedy in the manner known to law. As a matter of fact, the second respondent has also filed O.S.No.383 of 2024 for the appropriate relief.

9. That apart, it appears that the second respondent has also filed a statutory appeal before the Principal Sub Court, Kanyakumari against the removal. That being the case, the freezing of the account of the petitioner/College is without any merits. Unless there is no order of the competent Court, the first respondent bank



W.P.(MD) No. 22389 of 2025

WEB COPY

ought not to have acted on the same. There shall be a direction to the first respondent to de-freeze the aforementioned bank account of the petitioner with liberty to freeze the same as and when the second respondent secures any favourable order from the competent Court.

10. This Writ Petition is disposed of, with the above observations and directions. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes / No
apd

18.08.2025

To
The Manager,
Federal Bank,
Marthandam Branch,
PP Munusamy Shopping Complex,
Vettuvani Junction,
Marthandam,
Kanniyakumari District-629 165.



WEB COPY



W.P.(MD) No. 22389 of 2025

C.SARAVANAN, J.

apd

W.P.(MD) No. 22389 of 2025

18.08.2025