

N.22Sl

WPA 2770 of 2025

151/CL

Sri Bhaktadhan Modak

06.02.26

v.

Sl-826

Bank of India & Ors.

Ct.551

(S.R.)

Mr. R.N. Mahato

Mr. Sandip Das

Mr. Diankar Bhandari ... for the petitioner.

Mr. Debashis Saha

Mr. Avirup Roy Sanyal ... for the respondent/BOI.

Mr. Sounak Bhattacharya

Mr. Sounak Mandal

Mr. Abhirup Halder

... for the respondent nos.5 and 7.

1. Mr. Mahato, learned advocate appearing for the petitioner seeks leave to file a supplementary affidavit bringing on record a judgment and decree passed in Title Suit No.146 of 2026 instituted by the petitioner along with another against the respondent nos.5 to 10 before the learned Court of 2nd Additional Civil Judge, (Junior Division) at Diamond Harbour. Such leave is granted and the supplementary affidavit filed today is taken on record. Copy thereof has already been served upon the learned advocate appearing for the respondents.
2. This writ petition alleges arbitrary action on the part of the Bank in allowing the respondent nos.5 to 8, 10 and 11 to conduct banking transactions in respect of Account No.412810110001234 in the name of Sri Sri Kalimata Trust at Sarisha Branch of

the respondent no.1 i.e. Bank of India.

3. Mr. Mahato, learned advocate appearing for the petitioner submits that in terms of the provisions of Arpannama, the Prodhan Shebait is supposed to be a part of every transaction conducted in respect of the Trust and it is only if there is a conflict of opinion amongst the shebait that the Trust can be managed or transactions can be conducted on the basis of the majority opinion of the shebait. It is submitted that in the case at hand, the respondent Bank has proceeded to allow the aforesaid Bank account in the name of the Trust to be operated by the respondent nos.5 and 6 i.e. Madhusudan Modak and Sambhunath Modak on the basis of resolution.
4. Mr. Mahato, also draws attention of this Court to a decree passed by the learned Civil Court in Title Suit No.146 of 2026 and submits that the Civil Court has put its seal of imprimatur on the petitioner's right to perform all such duties and functions as indicated in the Arpannama as the Prodhan Shebait of the aforesaid Trust as also to perform the Seva Puja.
5. It is submitted that in such view of the matter, the Bank should be directed to amend the mandate of operation of the accounts permitting the petitioner to be a part of the persons entitled to operate the

bank account.

6. Learned advocate appearing for the Bank submits that the Bank has acted on the basis of the resolution provided to the Bank wherefrom it would be evident that majority of the Shebait have been conferred authority to take decisions, *inter alia*, regarding the bank account of the aforesaid trust and that no special power has been conferred on the Prodhan Shebait.
7. Learned advocate appearing for the respondent no.9 submits that the respondent nos.5 and 6 are mismanaging the bank account and that the respondent no.9 has also made representation in such regard to the Bank.
8. Heard learned advocates appearing for the respective parties and considered the material on record.
9. Since the issue involves interpretation of the Arpannama by dint whereof the petitioner claims to have right to operate the relevant Bank accounts as the Prodhan Shebait of the trust and such issue has already been raised before the Bank by way of a representation dated September 6, 2024 by the petitioner, it would be appropriate to direct the Bank to consider the said representation and take appropriate decision at the first instance without this Court going into such issue under Article 226

of the Constitution of India.

10. Accordingly, the Zonal Manager, Bank of India, Kolkata Zone, being the respondent no.2 is requested to consider the petitioner's representation dated September 6, 2024 and decide the authority as regards operation of the Bank Account in question of the aforesaid Trust upon affording an opportunity of hearing to the petitioner as well as the other signatories to the resolution on basis of which the said account is being presently operated and such other persons who according to the Bank are necessary to be heard for the purpose of operation of the said account, in terms of the Arpannama.
11. It is expected that the Bank shall take expeditious decision in the matter, since there are allegations as regards mismanagement of the account and shall dispose of the petitioner's representation within a period of three weeks from the date of communication of this order, by a reasoned order.
12. WPA 2770 of 2025 stands disposed of with the above observations without any order as to costs.
13. All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

(Om Narayan Rai, J.)

