

THE HON'BLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO.15305 OF 2023

ORDER:

The present Writ Petition is filed by the petitioner under Article 226 of the Constitution of India, seeking the following relief:

"....to issue Writ, order or direction preferably one in the nature of Writ of Mandamus more particularly in the nature of Writ of Mandamus declaring the action of the Respondents more particularly the 3rd and 4th Respondents herein in failing to Amend/ Modify the Banks Books to reflect the 3rd Petitioner herein as the authorized representative/ person authorized to represent the 2nd Petitioner College to withdraw funds on its behalf from the 3rd Respondent Bank as being illegal, arbitrary and in violation of Articles 14 and 191 of Constitution of India and Consequently direct the 3rd and 4th Respondents to Amend/ Modify its Books to reflect the 3rd Petitioner herein as the authorized representative/ person authorized to represent the 2nd Petitioner College to withdraw funds on its behalf from the 3rd Respondent Bank and pass....."

2. The short grievance of the petitioners in the present Writ Petition is that, the 3rd & 4th respondents failed to amend/modify the Bank's Books to reflect the 3rd petitioner herein as the authorized representative/person authorized to withdraw the funds on behalf of the 2nd petitioner College from the 3rd respondent bank.

3. Heard Ms. Vandhana, learned counsel, representing Sri N. Ashwani Kumar, learning counsel for the petitioners and Sri N. Harinath, learned Deputy Solicitor General.

4. Learned counsel for the petitioners, in elaboration to what has been stated in the affidavit contended that, the 2nd respondent-College has given authority to the 3rd petitioner to operate the bank account, as she is the Correspondent of the 2nd respondent college. In that regard, a representation dated 04.02.2023 was made to the 4th respondent bank. She further contended that, on the said representation the respondent bank has give a reply dated 07.02.2023 duly stating that, the bank is not in a position to change the authorized signatory of the bank records in respect of the Velgode Junior College, in view of the order of this Court passed in I.A.No.1 of 2022 in W.P.No.15849 of 2022. The said reply and representation are placed on record and has drawn the attention of this Court to the same.

She further contended that, in the order passed by this Court in W.P.No.15849 of 2022, no where a direction has been given to the bank. In fact bank is not a party to the said */is*. She further submitted that, even the college was not made as party respondent to the said Writ Petition. In the said circumstances, as to how the said order is coming in the way of the respondent-Bank to consider the petitioners

representation is not coming forward in the reply given by the bank dated 07.02.2023. In these circumstances, the present Writ Petition has been filed and prayed to pass appropriate orders in that regard.

She further submitted that, as per the directions of this Court personal notice has been served on the Respondent bank and the acknowledgement received was filed before the Registry under USR.No72815 through memo. But, so far, the respondent-Bank has not entered appearance. As such, prayed to pass appropriate orders.

5. Learned Deputy Solicitor General submitted that, the 1st respondent is only proforma party and no relief is sought against the 1st respondent.

6. Perusal of the Memo filed before the Registry shows that the notice has been served on the 3rd & 4th respondents, but they have not chosen to put up their appearance so far.

The short grievance of the petitioner is that, the respondent-bank has not considered the representation dated 04.02.2023 of the petitioners to incorporate the 3rd petitioners name as authorized signatory of the Bank account as authorized by the 2nd petitioner to withdraw funds. The respondent-bank by way of reply dated 07.02.2023, neither rejected nor considered the petitioners

representation, but enclosed copy of the order passed in I.A.No.1 of 2023 in W.P.15849 of 2022. The said reply and the order copy are placed on record. It is not known as to why the bank has not passed orders on the petitioners' representation and how the said order copy is coming in their way for considering the petitioners' representation.

7. In these circumstances, with the consent of both the learned counsel for the petitioners as well as Sri N. Harinath, learned Deputy Solicitor General, this Court is inclined to dispose of the Writ Petition with the following direction:

(i). The 3rd respondent-bank is hereby directed to consider the representation dated 04.02.2023 submitted by the petitioners and pass appropriate orders in accordance with law, without reference to the reply dated 07.02.2023, within a period of four (04) weeks from the date of receipt of a copy of this order.

(ii). While passing orders on the petitioners' representation, the respondent-bank has to answer as to how the order of this Court in I.A.No.1 of 2023 in W.P.15849 of 2022 is coming in their way to consider the petitioners' representation.

8. Accordingly, the Writ Petition is disposed of.

There shall be no orders as to costs.

Miscellaneous applications, pending if any, shall stand closed.

20th September, 2023
DSB/KSJ

JUSTICE RAVI CHEEMALAPATI