

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HON'BLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 15305 OF 2023

Between:

1. Velgode Educational Society, With Regd.No.153/76, Office at 18-194A, Dwaraka Nagar, Velgode, Kurnool District (Now Nandyal District), Rep. by its Secretary, Smt.D.Ramalakshamma, W/o. A.Siva Shankar Reddy, Aged about 62 years.
2. Velgode Junior College, Atmakur Road, Velgode, Kurnool District (Now Nandyal District), Andhra Pradesh-518 533, Rep. by its Correspondent, Smt.D.Ramalakshamma, W/o A.Siva Shankar Reddy, Aged about 62 years.
3. Smt.D.Ramalakshamma, W/o. A.Siva Shankar Reddy. Aged about 62 years, R/o.H.No.18-194 (A), Dwaraka Nagar, Velgode Village, Kurnool District.

...PETITIONERS

AND

1. The Union of India, Rep by its Secretary, Department of Financial Services, Ministry of Finance, 3rd Floor, Jeevan Deep Building, Sansad Marg, New Delhi 110001.
2. The Reserve Bank of India, Rep by its CGM and Secretary, 16th Floor, Central Office Building, Shahid Bhagat Singh Marg, Mumbai - 400 001.
3. The Canara Bank, Velgode Branch, Velgode, Rep. by its Branch Manager/Chief Manager.
4. The Branch Manager, Canara Bank, Velgode Branch, Velgode, Andhra Pradesh.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased 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 Bank's 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 19(1) 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.

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the 3rd and 4th Respondents to Amend/ Modify its Books to reflect the name of 3rd Petitioner herein as the authorized representative/ person authorized to represent 2nd Petitioner College to withdraw funds on its behalf from the 3rd Respondent Bank, pending disposal of the above Writ Petition.

Counsel for the Petitioner : SRI N. ASHWANI KUMAR

**Counsel for the Respondent No.1 : SRI N. HARINATH,
DEPUTY SOLICITOR GENERAL OF INDIA**

Counsel for the Respondent Nos.2 to 4 :

The Court made the following: ORDER

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 3^d and 4th Respondents herein in failing to Amend/ Modify the Banks Books to reflect the 3^d Petitioner herein as the authorized representative/ person authorized to represent the 2nd Petitioner College to withdraw funds on its behalf from the 3^d Respondent Bank as being illegal, arbitrary and in violation of Articles 14 and 191 of Constitution of India and Consequently direct the 3^d and 4th Respondents to Amend/ Modify its Books to reflect the 3^d Petitioner herein as the authorized representative/ person authorized to represent the 2nd Petitioner College to withdraw funds on its behalf from the 3^d 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 college 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.

Sd/- S.SRINIVASA PRASAD
ASSISTANT REGISTRAR

//TRUE COPY//

[Signature]
SECTION OFFICER

To,

1. The Secretary, Department of Financial Services, Ministry of Finance, Union of India, 3rd Floor, Jeevan Deep Building, Sansad Marg, New Delhi 110001.
2. The CGM and Secretary, Reserve Bank of India, 16th Floor, Central Office Building, Shahid Bhagat Singh Marg, Mumbai - 400 001.
3. The Branch Manager/Chief Manager, Canara Bank, Velgode Branch, Velgode.
4. The Branch Manager, Canara Bank, Velgode Branch, Velgode, Andhra Pradesh.
5. One CC to Sri N. Ashwani Kumar, Advocate [OPUC]
6. One CC to Sri N.Harinath, Deputy Solicitor General of India [OPUC]
7. Three C.D. Copies

Cnr

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V. Anusadke

HIGH COURT

DATED:20/09/2023

ORDER

WP.No.15305 of 2023

9 Copies
V.A
3/11/2023



**DISPOSING OF THE W.P.
WITHOUT COSTS**