

THE HIGH COURT OF MEGHALAYA AT SHILLONG.

WP(C) No. 216 of 2015

1. Smti Wanlang Kassar,
D/o Smti Silly Kassar,
R/o Umladkhur Village,
B.P.O. Thangbuli,
West Jaintia Hills District,
Meghalaya.
2. Smti Silly Kassar,
M/o Smti Wanlang Kassar,
R/o Umladkhur Village,
B.P.O. Thangbuli,
West Jaintia Hills District,
Meghalaya.

..... **Petitioners**

-Vrs-

1. The State of Meghalaya represented by the
Commissioner and Secretary (Home),
Government of Meghalaya, Shillong
2. Director General of Police,
Meghalaya, Shillong.
3. Inspector of Police CID/ACB
Meghalaya Police, DGP (Office)
Shillong.
4. State Bank of India,
Represented by Assistant General Manager,
State Bank of India,
Dhankheti, Shillong
5. State Bank of India,
Amlarem Branch,
West Jaintia Hills District, Meghalaya
Represented by its Branch Manager.

..... **Respondents**

BEFORE THE HON'BLE MR JUSTICE SR SEN

For the Petitioners : Mr. S. Dey, Adv.

For the Respondent s : Mr. N.D. Chullai, Sr. GA
Mrs. T. Yangi, Adv.

Date of hearing : **26.10.2015**

Date of Judgment & Order : **26.10.2015**

JUDGMENT AND ORDER (ORAL)

The petitioner's case in a nutshell is that:

"The Petitioner No. 1 and her mother (Petitioner No. 2) has open a joint account with the State Bank of India, Amlarem Branch, Meghalaya. On 09.05.2008 the Petitioners jointly deposited/invested an amount of Rs. 20, 68, 909/- in Special Term Deposit, State Bank of India, Amlarem Branch and the said amount was fixed with an interest rate of 8.2% for a period of 12 (twelve) months. An amount of Rs. 4, 00, 000/- (Rupees Four Lakhs) only was demanded by the Petitioners from the said bank against their Special Term Deposit Receipt No. 521694. It is to mention herein that the demand loan account number was 30799792582 which was demanded from the said Bank against their Special Term Deposit Receipt (STDR) No. 11802833189, STDR amount of Rs. 22, 45, 013/- only. The said sanction amount of Rs. 4, 00, 000/- (Rupees Four Lakhs) which was sanction by the said Bank was withdrawn by the Petitioners by way of withdrawal slip of the said from the State Bank, Amlarem Branch; the said amount was handed over to the Petitioners in cash by the then casher of the said bank. There were rumours in and around Amlarem area inter alia that the Cashier of the State Bank of India, Amlarem Branch has issued duplicate Special Term Deposit Receipt to the investor/customer of the said bank, however thought it was rumour but many of the customer from the Amlarem area found that the said rumour was truth and their Special Term Deposit Receipt which were issued by the said casher was not

reflected in the Bank logger and moreover the saving account of those customer were also not tallying with the logger of the said Bank. To find out the faith of their Account, the Petitioner No. 1 went to the said bank for verifying about her joint saving account and also about their Special Term Deposit Receipt No. 521694, upon enquiry and after updating the joint passbook by the Petitioner No.1. The Petitioners were shocked and surprised after coming to know that from their account of Special Term Deposit Receipt No. 521694 an amount of Rs. 15, 00, 000/- only was demanded from the said bank without their consent and knowledge. It is to mention herein that as per the sanction demand loan A/c receipt dated 20.06.2009 issued by the Branch Manager of State Bank of India, Amlarem Branch an amount of Rs. 4, 00, 000/- (Rupees Four Lakhs) only was sanction and that was the only amount which was demanded by the Petitioners, however without any demand from the Petitioners an amount of Rs. 15, 00, 000/- (Rupees Fifteen Lakhs) only was issued against the Special Term Deposit Receipt No. 521694. Moreover the said amount was shown transferred to the saving account of the Petitioners but the said amount was never withdrawal by the Petitioners, nor the Petitioners were aware of the said transaction, the Petitioners only received Rs. 4, 00, 000/- (Rupees Four Lakhs) only from the casher of the said bank, but surprisingly the rest of the amount was withdrawn from the saving account of the Petitioners from the said bank in collusion with the casher and other staff of the said bank out the concerned and knowledge of the Petitioners.

The Petitioners vide letter dated 26.11.2009 requested the Respondent No. 5 to clarify about the illegality which was committed into the account of the Petitioners, however after few days the Petitioners lodged another complaint to the Branch Manager, State Bank of India, Amlarem Branch, vide letter dated 30.11.2009, whereby it was informed to the said authority that the Petitioners took a loan of Rs. 4, 00, 000/- only against the Special Term Deposit Receipt No. 521694. Before getting the sanction order the said STDP was submitted to the said Bank as security for the said loan amount and it was also informed to the said authority that the below mention entry in their SB passbook No. 11802811665 are wrong and the transaction were not executed by

the Petitioners at any point of time, and moreover it was also informed to the said respondent that they have handed over the STDR certificate of Rs. 22, 45, 013/- only to the said Bank as security of their loan amount. It is to mention herein that as per the said letter request was made by the Petitioners to the said Respondent No. 5 to kindly find out who has taken their money, who has misused the said amount and further to reimburse the deposit as applicable from the demand loan receipt. After the complaint was lodged before the Respondent No. 5 by the Petitioner, the Police from the CID, Meghalaya Police (Respondent No. 3) seized certain documents from the Petitioners on 28.12.2009 at around 6:25 pm in connection with CID P.S. Case No. 2 (11) of 2009. Moreover neither the application dated 26.11.2009 and 30.11.2009 was dispose by the Respondent No. 5 nor the amount which was illegally withdrawal from the account of the Petitioners was return back to the Petitioners.

The letter dated 26.11.2009 and 30.11.2009 of the Petitioners were not dispose by the Respondent No. 5 even after a period of more than 2 years, the Petitioner No. 1 vide letter dated 14.11.2012 again addressed another letter to the Respondent No. 5 requesting him to clarify about the transactions in the account No. 11802811665, a copy of the said letter was also handed over to Respondent No. 4.

The Petitioner once again vide letter dated 3rd March 2015 addressed another letter to the Respondent No. 5 and also addressed the same letter to the Respondent No. 4, whereby once again it was requested to the said Bank authorities to address the grievances of the Petitioners, it is also informed to the said Respondents that from last 5 (five) years the Petitioners are running from post to pillar to get back their hard earning money, but the Respondents did not clarify about the same to the Petitioner, which clearly indicate that the said amount was illegally withdrawn by the staff of the bank from the account of the Petitioners. It is to mention herein that even after the said matter was taken up with the Respondent No. 4 the genuine grievance of the Petitioners are not addressed by the State Bank of India, Amlarem Branch. The complaints dated 26.11.2009; 30.11.2009; 14.11.2012 & 03.03.2015 is pending before the Respondent No. 4 and

Respondent No. 5 respectively and the said Respondents are not disposing the same till date even after a laps of more than 5 (five) years.

Hence this Petition”.

2. Heard Mr. S. Dey, learned counsel for the petitioner, who submits that the issue involved in this instant case is that, a representation dated 26.11.2009 was filed and thereafter, a reminder was given on 30.11.2009 and 14.11.2012 and the last reminder was given on 3rd March 2015. But, inspite of the representation and the reminders, till date the respondents No. 4 and 5 remained silent over it. So, necessary directions may be issued.

3. On the other hand, Mr. N.D. Chullai, learned Sr. GA appearing for the State declined to file any counter affidavit and assured the court that, if any record is required from the police side, he will produce the same.

4. Mrs. T. Yangi, learned counsel appearing for the respondents No. 4 and 5 seeks further 3(three) weeks' time to file the counter affidavit.

5. After hearing the submissions advanced by the learned counsel for the parties, I am of the considered view that the matter can be disposed of at this stage only. It is the duty of each and every authority to consider any representation filed before them. Since it is lying for quite sometime, the respondents No. 4 and 5 are hereby directed to dispose of the representation mentioned above within 2(two) months from the date of receipt of a certified copy of this judgment and order.

6. With these observations and directions, this instant writ petition stands disposed of.

JUDGE

D. Nary