

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

W.P.(P.I.L)No. of 2019

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HYDERABAD.
Dated : 17.02.2020

Ayaz
PARTY-IN-~~PERSON~~
COUNSEL FOR THE PETITIONER

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MEMORANDUM OF WRIT PETITION
(UNDER ART. 226 OF THE CONSTITUTION OF INDIA)

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

(Rule-4(e) the High Court for the State Telangana at Hyderabad Public
Interest Litigation Rules, 2015)
(SPECIAL ORIGINAL JURISDICTION)

WP (PIL).NO.

OF 2020

Between:

Khaja Aijazuddin, S/o. Late Khaja Moinuddin

...PETITIONER

AND

1. The Cabinet Secretary, Govt. of India,
Room No. 18, Cabinet Secretariat,
Rashtrapati Bhawan, New Delhi-110004.
2. The Home Secretary,
Ministry of Home Affairs,
Govt. of India, North Block,
New Delhi-110001.
3. The Secretary, Financial Services,
Department of Ministry of Finance,
Room No. 6, 3rd Floor, Jeevan Deep Building,
Sansad Marg, New Delhi-110001.
4. The Governor,
Reserve Bank of India,
Central Office Building, 18th Floor,
Shahid Bhagat Singh Road, Mumbai-400001.
5. The Chief General Manager
(R & DB Operations),
State Bank of India, Corporate Centre,
State Bank Bhavan, Madame Cama Road,
Mumbai- 400021.
6. The Registrar
General and Census Commissioner of India,
NDCC-II Bldg, Jai Singh Road,
New Delhi-110001.

...Respondents

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The address of the Petitioner for the purpose of service of all summons, notices, process etc. is that to M/s.**KHAJA AIJAZUDDIN**

For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in not complying to my Notice Dated 29.01.2020 issued to the respondent nos. 1,3,4,5, & 6 as arbitrary and illegal and consequently "Set-aside" the Condition imposed in the advertisement dated 26.01.2020, Sunday Times of India, Hyderabad, issued by the Respondent No. 5 so far as relating to "Letter issued by National Population Register", and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

HYDERABAD.
Date : .02.2020


PARTY-IN-PERSON

HYDERABAD : DISTRICT
HIGH COURT AT HYDERABAD

W.P.(PIL)No. of 2020

WRIT PETITION

FILED ON : 17.02.2020

Khaja Aijazuddin

PARTY-IN-PERSON

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HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

W.P. (P.I.L.)No. of 2020

Chronological Events / ANNEXURE - I

Sl.No.	Date of Document	Chronological Events	Page No.	Para No.
1.	26.01.2020	The respondent No. 5 which is the Public Sector Bank i.e. State Bank of India for an Public Advertisement Published in The Sunday Times of India, Hyderabad, Dated 26.01.2020 and main source of Business of the respondent no. 5 is Banking i.e. that accepts deposits from the Public and creates Credit. The entire functioning of the Respondent No. 5 is under control of Respondent no. 4 directly and the Respondent No. 3 is the supervisory authority to have direct control over the Respondent No. 5 in particular and so also Respondent No. 4. The functioning of the Respondent No. 5 is governed under the Statutory Act i.e. State Bank of India Act, 1955.	9, 10	4.1
2.	29.01.2020	The self-explanatory reasons were given by me in the notice dated 29.01.2020 which may be read as part and parcel of this Petition. Further he stated if his grievance is not resolved, he may initiate legal action. Though the Respondent nos. 1,3,4,5, & 6 are in receipt of the legal notice dated 29.01.2020, till date no reply has been received by any of the respondents and since the respondent no. 5 has set the deadline in the advertisement that the documents mentioned therein are not provided on or before 28.02.2020 the accounts of the customers may be freeze as the date is nearing, compelling him to file the present Public Interest Litigation before this Hon'ble Court as this Hon'ble Court under Article 226 have got wider powers to entertain and adjudicate the issue involved herein.	10	4.2
3.	31.07.2019	The respondent no. 6 has issued Notification vide its F. No. 9/5/2019-CRD (NPR), Dated 31.07.2019 which on perusal of the said notification it states that in pursuance of sub-rule (4) of rule 3 of the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003, that the Central Government decides to prepare and update the Population Register and carry out enumeration throughout the country for collection of information relating to all persons residing within the jurisdiction of Local Registrar to be undertaken between 01.04.2020 to 30.09.2020.	10, 11	4.3
4	29.01.2020	The Respondent Nos. 1, 3, 4, 5 and 6 was informed through Notice dated 29.01.2020 that asking the customers to produce the production of the letter issued by National Population Register is totally contrary to rules and the respondents though they are in receipt of the Notice dated 29.01.2020 failed to reply or withdrawn the condition imposed in the advertisement so far as relating to Letter issued by National Population Register.	11	4.3

ANNEXURE - II

Under Article 226 of the Constitution of India.

HYDERABAD.
Dated : 17.02.2020

PARTY-IN-PERSON
COUNSEL FOR THE PETITIONER

[Signature]

COUNSEL FOR THE PETITIONER

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IN THE HIGH COURT OF TELANGANA, AT : HYDERABAD

(Rule-4(e) the High Court for the State Telangana at Hyderabad Public Interest Litigation Rules, 2015)

W.P. (P.I.L.) No.

Of 2020

BETWEEN:

Khaja Aijazuddin, S/o. Late Khaja Moinuddin

...PETITIONER

AND

1. The Cabinet Secretary, Govt. of India,
Room No. 18, Cabinet Secretariat,
Rashtrapati Bhawan, New Delhi-110004.
2. The Home Secretary,
Ministry of Home Affairs,
Govt. of India, North Block,
New Delhi-110001.
3. The Secretary, Financial Services,
Department of Ministry of Finance,
Room No. 6, 3rd Floor, Jeevan Deep Building,
Sansad Marg, New Delhi-110001.
4. The Governor,
Reserve Bank of India,
Central Office Building, 18th Floor,
Shahid Bhagat Singh Road, Mumbai-400001.
5. The Chief General Manager
(R & DB Operations),
State Bank of India, Corporate Centre,
State Bank Bhavan, Madame Cama Road,
Mumbai- 400021.
6. The Registrar
General and Census Commissioner of India,
NDCC-II Bldg, Jai Singh Road,
New Delhi-110001.

...Respondents



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1) PARTICULARS OF THE CAUSE/ORDER AGAINST WHICH THE PETITION IS MADE:

SUBJECT MATTER IN BRIEF:

The present writ petition i.e. Public Interest Litigation is filed in larger Public Interest aggrieved by the action/decision of the respondent No. 5 which is the Public Sector Bank i.e. State Bank of India for an Public Advertisement Published in The Sunday Times of India, Hyderabad, Dated 26.01.2020 (Hereinafter be referred as an "Advertisement") and main source of business of the respondent no. 5 is Banking i.e. that accepts deposits from the Public and creates Credit. The entire functioning of the Respondent No. 5 is under control of Respondent no. 4 directly and the Respondent No. 3 is the supervisory authority to have direct control over the Respondent No. 5 in particular and so also Respondent No. 4. The functioning of the Respondent No. 5 is governed under the Statutory Act i.e. State Bank of India Act, 1955. The Respondent No. 5 through its advertisement have issued Public Notice : KYC Compliance for attention of all valuable Customers and on perusal of the advertisement it was stated that the respondent no. 5 has to update KYC of all customers periodically and further it is stated notices have been sent to customers where KYC updation is due. Further to state that among the documents to be submitted by the customers, one of the document i.e. "Letter issued by National Population Register", is under challenge by me for the reason the authority with whom the Power vests to issue the Letter by National Population Register is under process or the same has not been delegated to any authority either by the Respondent no. 1, 2 or the respondent no. 6. In those circumstances, the act of the Public Functionary i.e. Respondent No. 5 is unwarranted and illogical compelling me under Public Interest by issuing Notice Dated 29.01.2020 through Regd. Post with ackl. Due to Respondent Nos. 1,3,4,5, & 6 herein by asking all the respondents to immediately withdraw the condition mentioned in the advertisement asking the Respondent No. 5 its Customers to produce the "letter to be issued by National Population Register" is totally unwarranted and unconstitutional. The self-explanatory reasons were given by me in the notice dated 29.01.2020 which may be read as part and parcel of this Petition. Further I stated if my grievance is not resolved, I may initiate legal action. Though the Respondent nos. 1,3,4,5, & 6 are in receipt of the legal notice dated 29.01.2020 , till date no reply has been received by any of the respondents and since the respondent no. 5 has set the deadline in the advertisement that the



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documents mentioned therein are not provided before 28.02.2020 the accounts of the customers may be freeze as the date is nearing , I have filed the Present Public Interest Litigation before this Hon`ble Court as this Hon`ble Court under Article 226 have got wider powers to entertain and adjudicate the issue involved herein.

2. PARTICULARS OF THE PETITIONER

1. The Petitioner hails from Hyderabad District, is an Advocate practicing in High Court of Judicature at Hyderabad. The present PIL is filed aggrieved by the action of the Respondent No. 5 which is the Public Sector Bank i.e. State Bank of India for an Public Advertisement Published in The Sunday Times of India, Hyderabad, Dated 26.01.2020 and the respondents nos. 1,3,4,5, & 6 though in receipt of the notice dated 29.01.2020, failed to accede my request, resulting to file Public Interest Litigation seeking relief from this Hon`ble Court in the larger interest of the Citizens.

2. I further submit that I have not involved in any Civil, Criminal and Revenue cases.

LOCUS-STANDI

I, Khaja Aijazuddin, S/o. Late Khaja Moinuddin,

hereby swear under oath and sincerely affirm as follows and I am the Petitioner herein and I am fully acquainted with the facts of the case.

2.1 I hereby affirm and state on oath that the petitioner herein has / have no personal interest in the subject matter of this petitioner is a Practicing advocate at High Court of Telangana and its sub-ordinate courts. The Petitioner states that in respect of the subject matter of cause of action the petitioner has not filed any Public Interest Litigation.

3. Declaration and understanding of the Petitioner:

I, Khaja Aijazuddin,

, do hereby swear under oath and sincerely affirm as follows:

3.1. That the present Petition is being filed by way of Public Interest Litigation and the Petitioner do not have any personal interest in the matter. This Petition is being filed in the larger interest of the society / citizens.

3.2 That the entire litigation costs including the Advocate's fees is being borne by the Petitioner.

3.3 That a thorough research has been conducted in the matter raised through the Petition. All the relevant documents pertinent to the subject as discovered by the Petitioner is annexed to the petition.

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3.4 That to the best of Petitioner's knowledge and research, the issue raised was not decided and that a similar or identical petition was not filed earlier by me before any Court including Supreme Court.

3.5 That the Petitioner understood that in the course of hearing of this petition the court may require any security to be furnished towards costs or any other charges and the petitioner shall comply with such requirements or abide any directions by this Hon`ble Court.

4. FACTS OF BRIEF:

4.1 I most respectfully submits that the present writ petition i.e. Public Interest Litigation is filed in larger Public Interest aggrieved by the action/decision of the respondent No. 5 which is the Public Sector Bank i.e. State Bank of India for an Public Advertisement Published in The Sunday Times of India, Hyderabad, Dated 26.01.2020 (Hereinafter be referred as an "Advertisement") and main source of Business of the respondent no. 5 is Banking i.e. that accepts deposits from the Public and creates Credit. The entire functioning of the Respondent No. 5 is under control of Respondent no. 4 directly and the Respondent No. 3 is the supervisory authority to have direct control over the Respondent No. 5 in particular and so also Respondent No. 4. The functioning of the Respondent No. 5 is governed under the Statutory Act i.e. State Bank of India Act, 1955. The Respondent No. 5 through its advertisement have issued Public Notice : KYC Compliance for attention of all valuable Customers and on perusal of the advertisement it was stated that the respondent no. 5 has to update KYC of all customers periodically and further it is stated notices have been sent to customers where KYC updation is due. Further to state that among the documents to be submitted by the customers, one of the document i.e. "Letter issued by National Population Register", is under challenge by me for the reason the authority with whom the Power vests to issue the Letter by National Population Register is under process or the same has not been delegated to any authority either by the Respondent no. 1 or 2 or the respondent no. 6. In those circumstances, the act of the Public Functionary i.e. Respondent No. 5 is unwarranted and illogical compelling me under Public Interest by issuing Notice Dated 29.01.2020 through Regd. Post with ack. Due to Respondent Nos. 1, 3, 4, 5, & 6 herein by asking all the respondents to immediately withdraw the condition mentioned in the advertisement asking the

Ajay

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Respondent No. 5 its Customers to produce the "letter to be issued by National Population Register" is totally unwarranted and unconstitutional. The self-explanatory reasons were given by me in the notice dated 29.01.2020 which may be read as part and parcel of this Petition. Further I stated if my grievance is not resolved, I may initiate legal action. Though the Respondent nos. 1,3,4,5, & 6 are in receipt of the legal notice dated 29.01.2020, till date no reply has been received by any of the respondents and since the respondent no. 5 has set the deadline in the advertisement that the documents mentioned therein are not provided on or before 28.02.2020 the accounts of the customers may be freeze as the date is nearing, compelling me to file the present Public Interest Litigation before this Hon`ble Court as this Hon`ble Court under Article 226 have got wider powers to entertain and adjudicate the issue involved herein.

4.2 I respectfully submit that the respondent no. 6 has issued Notification vide its F. No. 9/5/2019-CRD (NPR), Dated 31.07.2019 which on perusal of the said notification it states that in pursuance of sub-rule (4) of rule 3 of the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003, that the Central Government decides to prepare and update the Population Register and carry out enumeration throughout the country for collection of information relating to all persons residing within the jurisdiction of Local Registrar to be undertaken between 01.04.2020 to 30.09.2020, when such is the factuality and what it can be gathered is that updation of the Population Register is yet to be commenced and as on date no authority either at the State Level or respondent no. 6 by itself are empowered to issue any Letter by National Population Register to the Citizens and in such eventuality, the respondent no. 5 through its advertisement have got no right or authority to seek production of Letter issued by National Population Register as one of the document to be produced for fulfillment of KYC compliance. The same is unwarranted and unconstitutional.

4.3 I submit that the Respondent Nos. 1, 3, 4, 5 and 6 was informed through Notice dated 29.01.2020 that asking the customers to produce the production of the letter issued by National Population Register is totally contrary to rules and the respondents though they are in receipt of the Notice dated 29.01.2020 failed to reply or withdrawn the condition imposed in the advertisement so far as relating to Letter issued by National Population Register. I further submit that am left with no remedy except approaching



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this Hon`ble Court by way of filing PIL as larger interest of Public is involved and the advertisement clearly stipulates if any of the document is not furnished the accounts of the customers shall be freezed and this Hon`ble Court have got Jurisdiction under Article 226 of the Constitution of India to maintain the Present Nature of controversy involved and have got wider powers to adjudicate it and hence the Present Public Interest Litigation is filed.

4.4 The petitioner has got concurrent remedy either to approach this Hon`ble Court or Hon`ble Supreme Court , since this Hon`ble Court have got wider powers to adjudicate the nature of issue involved and have approach this Hon`ble Court under Article 226 of the Constitution of India. The petitioner has not approached any court for the same relief, which is sought for in this Public Interest Litigation.

4.5 I submit that on earlier occasions I have filed Public Interest Litigations before this Hon`ble Court and successfully got the reliefs and one of the pending WP(PIL) No. 16/2019 pertains to noncompliance of statutory norms i.e. Fire NOC, and other permissions to be availed for conduct of Exhibition/Numaish by the Exhibition Society annually this Hon`ble Court monitored the case and at the intervention of this Hon`ble Court the Numaish/Exhibition was ordered to be conducted from 01.01.2020 till 18.02.2020.

5. SOURCE OF INFORMATION:

The information furnished by me in the Petition has been gathered from the Sunday Times of India, Hyderabad, dated 26.01.2020 and therefore I believe it to be true.

6. NATURE OF EXTENT OF INJURY CAUSED/APPREHENDED:

Declare the action of the Respondents in failing to give reply to my notice dated 29.01.2020 and the condition which is under challenge before this Hon`ble Court so far as pertaining to "Letter issued by National Population Register", in the advertisement issued by the respondent no. 5 is still in operation or force and the same is contrary to rules and if it remains, larger public interest is affected.



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7. ANY REPRESENTATION MADE:-

The Petitioner have given notice dated 29.01.2020 to the respondent Nos.1, 3, 4, 5, 6 herein by RPAD on 29.01.2020, Copies of the notice dated 29.01.2020, Postal slips, Acknowledgment Cards evidencing the same are filed herewith for substantiation.

8. DELAY, IF ANY:

On account of the New Rules that have been notified and brought into force w.e.f. 02-09-2015, I have been advised that a new format of Writ Petition is required to be filed and that for the compliance of the new rules, there could be some time that may be taken by the Registry of this Honorable Court. Therefore, in the event of this Honorable Court coming to a conclusion that there is any delay in approaching this Honorable Court, the same may be condoned.

9. DOCUMENTS RELIED UPON ARE:

- 9.1 Notice dated 29.01.2020 issued by petitioner to the Respondent Nos.1, 3, 4, 5, 6
- 9.2 Postal Slips (5) Nos., Acknowledgment Cards received from Respondent nos. 1, 4 & 5
- 9.3 Copy of the Advertisement given by the Respondent no. 5 in Sunday Times of India, Hyderabad, Dated 26.01.2020
- 9.4 Copy of the Notification Dated 31.07.2019 issued by the Respondent No.6

10. I respectfully submit that I have no other efficacious alternative remedy except to approach this Hon'ble Court for relief under Article 226 of the Constitution of India.

11. I further submit that I have not filed any other suit, writ or any other proceedings for the same relief in any other Court, Tribunal or authority in India.

12. MAIN RELIEF PRAYER IS AS FOLLOWS:

Therefore, it is respectfully prayed that this Hon'ble Court may be pleased to issue a Writ, Order or Direction, more particularly one in the



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nature of Writ of Mandamus, declaring the action of the respondents in not complying to my Notice Dated 29.01.2020 issued to the Respondent Nos. 1, 3, 4, 5, & 6 as arbitrary and illegal and consequently "Set-aside" the Condition imposed in the advertisement dated 26.01.2020, Sunday Times of India, Hyderabad, issued by the Respondent No. 5 so far as relating to "Letter issued by National Population Register", and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

13. INTERIM PRAYER:

It is further prayed that this Hon'ble Court may be pleased to Suspend/Stay the Operation of the Condition imposed in the advertisement dated 26.01.2020, Sunday Times of India, Hyderabad, issued by the Respondent No. 5 so far as relating to "Letter issued by National Population Register", pending disposal of the above Writ Petition, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

14. **Caveat:** It is submitted that no notice has been received of lodging a caveat by the Respondents.

15. I submit that, I had no faced Contempt of Court proceedings under the Contempt of Courts Act, 1971.

16. I have not been ordered by the Honorable High Court or any other court not to file Public Interest Litigation cases.

17. I submit that, I am not involved in a Civil, Criminal and Revenue cases which have any nexus with present Public Interest Litigation.

18. I hereby solemnly state under oath affirm and declare that the writ petition is being instituted purely in public Interest and not at the instance of any other person or organization other than the petitioner.



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19. I hereby solemnly state on oath and affirm and declare that the question raised in the Writ Petition has not been raised or agitated earlier and that there are no other case(s) or Petition(s) filed or that are pending before this Hon'ble Court or any other forum or court to the best of my knowledge and, research and belief.

Solemnly and sincerely affirm this
the 17 day of February, 2020
and signed his name in my presence.


DEPONENT

BEFORE ME

ADVOCATE :: Hyderabad

VERIFICATION STATEMENT

I, Khaja Aijazuddin,

do hereby solemnly and sincerely
affirm and state that what are stated in the paragraphs to are true to our
own knowledge and belief and what is stated in the paragraphs are based on
the information and legal advice which I believe to be true and correct.

Hence, Verified at Hyderabad on this the 17 day of February, 2020.


PARTY - ~~TO~~ PERSON.
ADVOCATE


DEPONENT

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SUNDAY TIMES OF INDIA, HYDERABAD
JANUARY 26, 2020

Corporate Centre, State Bank Bhavan, Madame Cama Road, Mumbai - 400 021.

**PUBLIC NOTICE: KYC COMPLIANCE
FOR ATTENTION OF ALL OUR VALUABLE CUSTOMERS**

As per Reserve Bank of India guidelines, Bank has to update KYC of all customers periodically. Accordingly, notices have been sent to customers where KYC Updation is due. Customers who have received such notices are requested to visit the nearest Branch of State Bank of India and provide the following documents / information urgently.

- a) Copy of Aadhaar / Voter ID Card / Driving License / Passport / Job Card issued by MNREGA / Letter issued by National Population Register.
b) PAN or Aadhaar. c) Recent Photograph. d) Mobile Number.

Bank may be constrained to freeze accounts which are KYC Non-Compliant / overdue for KYC Updation if the above documents are not provided before 28.02.2020.

Place: Mumbai

Date: 26.01.2020

Sd/-

Chief General Manager
(R&DB Operations)

SBI never asks for your personal or banking credentials through any third-party site, weblinks, SMS, email, phone calls etc.

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MINISTRY OF HOME AFFAIRS

(Office of the Registrar General Citizen
Registration, India)

Notification

New Delhi, the 31st July, 2019

S. O. 2753(E).— In pursuance of sub-rule (4) of rule 3 of the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules, 2003, the Central Government hereby decides to prepare and update the Population Register and the field work for house to house enumeration throughout the country except Assam for collection of information relating to all persons who are usually residing within the jurisdiction of Local Registrar shall be undertaken between the 1st day of April, 2020 to 30th September, 2020.

[F. No. 9/5/2019-CRD (NPR)]

VIVEK JOSHI, Registrar
General of Citizen Registration