

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 511 of 2024

Shri Milan Debnath and others

.....Petitioner(s)

Versus

The UCO Bank and others

.....Respondent(s)

For Petitioner(s) : Mr. Ratan Datta, Advocate.
Mr. S. Mahajan, Advocate.

For Respondent(s) : Mr. Pulak Saha, Advocate.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

01.08.2024

This writ petition is filed by the petitioners under Article 226 of the Constitution of India seeking following reliefs:

- i. Issue a Writ of Mandamus or any kind of direction thereof, directing the Respondent No. 1 and 2 to disburse the money amounting to ₹54,05,328.97/- (Rupees fifty Four Lakh Five Thousand Three Hundred Twenty Eight Ninety Seven Paisa) in total available till 23/07/2024 along with accrued interest thereon, in equal eight shares among the legal heirs of Late Gouranga Chandra Debnath, S/o Late Kailash Chandra Debnath, lying with Fixed Deposit Certificates and Savings Bank Account vide Number 09200100000949, of UCO Bank, Mohonpur Branch, Sedhai Mohonpur, West Tripura,
- ii. Issue a Writ of Mandamus or any kind of direction thereof, directing the Respondent No. 1 to 2 not to disburse the money except the legal heirs of Late Gouranga Chandra Debnath according to their entitlement, ie. 1/8th Share each;
- iii. Kindly direct the Respondent No. 3 to disclose about all the Fixed Deposit Certificates, bank passbook, other deposit certificates, property deeds and other testimonials which are under his custody and provide details of the same for proper adjudication of succession- in-heritance of the deceased father of the Petitioners;

iv. And any other relief or relives as your humble petitioners are entitled to get.”

[2] It is the case of the petitioners that the father of the petitioners and respondent No. 3 was late Gouranga Chandra Debnath who expired on 01/05/2024 in his own residence. At the time of death, he was under the supervision of respondent No.3. On 08/05/2024, the petitioners made a prayer in writing to the respondents No.1 & 2 (UCO Bank Mohonpur Branch authority) for keeping all deposited amount available in the bank account of the deceased till final settlement between the legal heirs. After some time, petitioners came to know from the bank authority that, an amount of ₹1,10,000/- (Rupees One Lac ten thousand) only was illegally withdrawn from the bank account by the respondent No.3, during the last days of late Gouranga Chandra Debnath, but, according to the petitioners, same amount was not utilized for the treatment and nourishment of their father. Again the Petitioners written to the bank to disclose details of available amount fixed deposits, term deposit etc. associated with the bank account on 28/05/2024. But the bank authority did not disclose the same. It is contended that the respondent No.3 took into his custody all the documents, deeds, bank passbook, fixed deposit certificates etc. belongs to the deceased father of the petitioners.

[3] Thereafter, the petitioners received information that Bank authority is going to disburse entire amount to the respondent No. 3 and accordingly, they issued an advocate notice on

22/07/2024. In the said advocate notice for and on behalf of the petitioners, it was requested to the respondent No.2, not to disburse the amount to the nominee of the said bank account as the nominee is not the owner of the property/money but he is only a custodian of that property/money as per law. But, according to the petitioners, they did not get any positive response from the bank authority. It is further contended that the respondent bank authority expressed their willingness to disburse subject money to the respondent No. 3 and also misbehaved with them. Aggrieved thereby, the present writ petition is filed before this Court.

[4] Heard learned counsel appearing for both the parties and perused the evidence on record.

[5] On perusal of the record, this Court finds that the petitioners and respondent No.3 herein are siblings and the matter revolved around the entitlement of their ancestral property/money. This Court is of the opinion that the case is purely civil in nature and there are disputed questions of facts involved. Since the present dispute, is purely civil in nature and there are alternative remedies available to the petitioners herein, this Court feels that invoking Article 226 of the Constitution of India by way of this writ petition would be unwarranted. As such, this Court is not inclined to enter into the disputed questions of facts under Article 226 of the Constitution of India.

[6] In view of the above, the present writ petition is dismissed. However, petitioners are at liberty to approach before the appropriate forum to avail remedies as per law.

As a sequel, miscellaneous application(s) pending, if any, shall also stand closed.

JUDGE

Sabyasachi. G.

