

GAHC010018552015



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/4548/2015

NABAJYOTI DAS and 2 ORS.
S/O- LT. FULEN DAS.

2: KANAN BALA DAS
W/O- LT. FULEN CH. DAS.

3: TAGAR DAS
D/O- LT. FULEN CH. DAS
VILL. and P.O.- AMRANGA
P.S.- PALASBARI
DIST.- KAMRUP
ASSAM

VERSUS

THE UNION OF INDIA and 7 ORS
DEPTT. OF POSTS, MEGHDUT BHAWAN, PANBAZAR, GHY- 1.

2:THE POST MASTER
GENERAL POST OFFICE
MEGHDOOT BHAWAN
PANBAZAR
GHY- 1.

4:THE BRANCH MANAGER
ASSAM GRAMIN BIKASH BANK
BORIHAT BRANCH
P.O.- BORIHAT
PALASBARI
PIN- 781125.

5:THE BRANCH MANAGER
PRAGJYOTISH GAOLIA BANK
BORIHAT BRANCH

P.O.- BORIHAT
PALASBARI
PIN- 781125.

6:THE BRANCH MANAGER
UNION BANK OF INDIA
SIKARHATI BRANCH
P.O.- SIKARHATI
PALASBARI
PIN-

7:SANKAR DAS
S/O- LT. FULEN CH. DAS
VILL. and P.O.- AMRANGA
P.S.- PALASBARI
DIST.- KAMRUP
ASSAM
PIN- 781125.

8:DIMPLE DAS DUTTA
D/O- LT. FULEN CH. DAS
C/O- SHRI SANKAR DAS
VILL. and P.O.- AMRANGA
P.S.- PALASBARI
DIST.- KAMRUP
ASSAM
PIN- 781125

Advocate for the Petitioner : MR.G K THAKURIA

Advocate for the Respondent : MR.K D SARMAR-6

**BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH**

O R D E R

08.01.2024.

The instant Writ Petition has been filed by the petitioners seeking a direction upon the respondents to disburse the amount lying in the name of

Late Fulen Ch. Das with the respondent Bank and Post Office, as per the Succession Certificate granted by the learned District Judge, No.4 (FTC), Kamrup at Guwahati in S.C. Case no.382/2011, granted on 03.10.2013, on the death of Late Fulen Ch. Das.

(2) During the hearing, Mrs. N.S. Thakuria, learned counsel for the petitioners submitted that the petitioners have already received various amounts on the basis of the said Succession Certificate, she, however submitted that the petitioners are yet to receive the amount of Rs.2,12,000/-, lying in the Post Office Savings Account No.234102 with the respondent No.2 and further two numbers of National Savings Certificates (NSC) amounting to Rs.20,000/-.

(3) Mr. C.K.S. Baruah, learned Asstt. S.G.I., appearing on behalf of the respondent Nos.1—3 submitted that due notice have been issued to one of the petitioners for production of certain documents and upon production of such documents, the said amount would be released in favour of the petitioners. The said communication which was issued to the petitioner No.1 have been furnished before this Court during the course of hearing i.e. the communication dated 12.12.2023. From a perusal of the said communication, it reveals that the petitioners are required to apply for the said amount of Rs.2,12,000/- along with the two NSCs, in the prescribed format along with the Succession Certificate, the KYC of all the claimants and the witnesses, death certificate of the deceased depositor and the original Passbook/Certificates in the name of the deceased depositor.

(4) Mrs. N.S. Thakuria, learned counsel appearing on behalf of the petitioners submits that it may not be possible on the part of the petitioners to now produce the KYC of the witnesses. However she submits that all other formalities and documents, the petitioners would be advised to do.

(5) This Court is also of the opinion that the KYC of the witnesses who were present at the time of opening the Savings Bank Account as well as also obtaining the NSCs, is an unnecessary ask made by the respondent authorities, more so when all other documents submitted would be sufficient for release of the amounts to the petitioners.

(6) Accordingly, this Court therefore disposes of the instant Writ Petition, granting liberty to the petitioners to apply in the prescribed format along with the Succession Certificate and submit the KYC documents of all the claimants, the death certificate of the deceased depositor and the original Passbook/Certificates in the name of the deceased depositor. It is made clear that upon the petitioners applying, the respondent authorities, more particularly the respondent Nos.1—3 shall duly disburse the said amount lying in the Post Office Savings Account No.234102 along with the NSCs and would not insist upon the KYC documents of the witnesses.

(7) The communication which have been placed before this Court by Mr. C.K.S. Baruah, learned Asstt. S.G.I., appearing on behalf of the respondent Nos.1—3 is kept on record and marked with the letter 'X'.

JUDGE

Comparing Assistant