

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2015

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P.No.14042 of 2015

R.Muthulakshmi

... Petitioner

-Vs-

1.The Banking Ombudsman,
Reserve Bank of India,
Fort Glacis,
Kamarajar Salai,
Chennai - 600 001.

2.The Chief Manager,
Indian Bank,
Guduvancherry Branch,
Kancheepuram District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 2nd Respondent Bank to permit the petitioner to operate her Savings Bank Account No.492323316 through her son R.Muthukumar by executing a Power of Attorney for the same based on the petitioner's representation dated 11.03.2015 within the time frame fixed by this Court.

For Petitioner : Mr.S.Sathia Chandran

For Respondents : M/s.Moorthi & Vasani (R2)
No appearance - R1

O R D E R

As the petitioner is said to be advanced in age, she made a request to the respondent no.2 to permit her to operate her account through her son by executing a Power Deed. The request made was not considered as according to the respondent no.2, the procedure contemplated will have to be followed. The following reply was given by the respondent no.2 on 07.03.2015:

"We wish to inform that "wherever thumb or toe impression of the sick/old/incapacitated account holder is obtained, it should be identified by two independent witnesses known to the bank, one of whom should be a

responsible Bank Official.

Further, the customer should indicate to the bank as to who would withdraw the amount from the Bank on the basis of cheque/ withdrawal form as obtained above. Such person should be identified by two independent witnesses. The payment should be made to the identified person against his/her signature.

Hence, we request you to cooperate with Bank."

The petitioner filed a complaint to the respondent no.1 on 16.03.2015, which is pending consideration. Thereafter, the present Writ Petition has been filed.

2.Taking into consideration the pendency of the complaint with the Official Ombudsman viz., the respondent no.1, the said authority is directed to consider and pass appropriate orders on the same within a period of four weeks from the date of receipt of a copy of this order. The petitioner is also at liberty to approach the respondent no.2, if any other mode is available, which is termed as mandate, which also the respondent no.2 shall consider.

3.The Writ Petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

1.The Banking Ombudsman,
Reserve Bank of India,
Fort Glacis,
Kamarajar Salai,
Chennai - 600 001.

2.The Chief Manager,
Indian Bank,
Guduvancherry Branch,
Kancheepuram District.

+1cc to Mr.S.Sathia Chandran Advocate sr.50077

W.P.No.14042 of 2015

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srg 29.09.2015