

THE HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.1024 of 2015

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Between:

M/s. M.V.R.M. Welfare & Service Society,
Rep. by its Secretary Mr. P. Jaganmohana Rao

PETITIONER

AND

1. State Bank of India, Main Branch, Rep. by its Assistant General Manager, Srikakulam Town, Srikakulam District, Andhra Pradesh, Pin:532 001, and another.

RESPONDENTS

ORDER:

The petitioner prays for Mandamus declaring the inaction of respondents in releasing contents of Safe Deposit Locker No.NG.63 and simultaneously effecting transfer of FDRs in terms of Section 45ZE of the Banking Regulation Act, 1949, pursuant to Will Deed dated 01.03.2012 as, illegal, arbitrary and contrary to the Banking Regulation Act, 1949.

2. The petitioner claims right and entitlement to operate Locker No.NG.63 and claims proceeds of FDRs in the name of Magatapalli Venkata Ramana Murty on the strength of Will Deed dated 01.03.2012. Petitioner refers to a comparable situation wherein the Karur Vysya Bank in terms of testamentary succession provided through Will Deed dated 01.03.2012, permitted the petitioner-society to receive proceeds of FDRs standing in the name of M. Venkata Ramana Murty. Petitioner now complains inaction and invokes the jurisdiction of this Court under Article 226 of the Constitution of India.

3. The petitioner in all fairness has also placed before this Court the communication dated 7.02.2014, which reads as follows:

“Sir,

Sub: For handing over the gold and cash
belongings of late Magatapalli
Venkata Ramana Murthy based on
Will to the Society-Reg.

Ref: Your letter dt.Nil issued by both

Secretary

and Treasurer.

We received your letter of request to hand over Gold and Cash belongings to deceased Magatapalli Venkata Ramana Murthy to your Society namely M/s. Magatapalli Venkataramana Murthy Welfare & Service Society., Srikakulam based on Will dt.01.03.2012 submitted by you and noted the contents therein. We hereby inform you that we are not competent to decide on will for the

entitlement of the gold and cash belongings to the deceased Magatapalli Venkata Ramana Murthy. Therefore we are unable to consider your request unless and until you obtain orders from competent Court of law. Hence this is for your information.”

4. From the instant communication it is clear that the respondent-Bank, having regard to the nature of claim and also the extent of operations petitioner is intending to undertake in terms of Will dated 01.03.2012, has called upon the petitioner-society to obtain appropriate orders from the competent Civil Court.

5. I have heard the learned counsel for petitioner-society and Sri K.B. Ramanna Dora, learned Standing Counsel for respondents and perused the material available on record.

6. The writ petition is filed for Mandamus complaining inaction in permitting the petitioner to operate Locker No.NG.63 and claim the proceeds of FDRs standing in the name of Magatapalli Venkata Ramana Murty on the strength of Will Deed dated 01.03.2012. The petitioner again compels the respondent-Bank which is admittedly a legal custodian of the Locker and also FDRs of the testator to act on the Will Deed dated 01.03.2012 and permit operation. With a view to permit the petitioner either to operate the locker or to have the proceeds transferred in its name, in the opinion of this Court, the respondent rightly suggested that the petitioner has to move the competent Civil Court for comprehensive reliefs. The inaction complained does not come within the scope of judicial review under Article 226 of the constitution of India.

7. The writ petition is accordingly disposed of leaving it open to the petitioner to work out the remedies available to it within the four corners of law in a properly instituted suit or proceeding. No order as to costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

S.V. BHATT, J.

27th January, 2015

Js.