

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2016

CORAM:

THE HON 'BLE MR. JUSTICE B.RAJENDRAN

Writ Petition No.8201 of 2016

N.Selvam

... Petitioner

Versus

The Branch Manager,
Canara Bank,
Sayanapuram Village,
Arakonam Taluk,
Vellore 631 051

.. Respondent

Prayer:- Petition filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus directing the respondent to grant Kamadhenu Deposit for a sum of Rs.39,019/- which was deposited by the petitioner's aunty namely, Sokkammal, vide Customer ID:51322883 in DR No.1672404000055 on the file of the respondent, by considering the petitioner's representation, dated 13.10.2011, within a stipulated period of time.

For Petitioner : Mr. B.Ganesha Moorthy
For Respondent : No Appearance

O R D E R

This writ petition has been filed by the petitioner praying for the issuance of a writ of mandamus, directing the respondent to grant Kamadhenu Deposit for a sum of Rs.39,019/- which was deposited by the petitioner's aunt, namely, Sokkammal, vide Customer ID:51322883 in DR No.1672404000055 on the file of the respondent, by considering the petitioner's representation, dated 13.10.2011, within a stipulated period of time.

2. Though the notice has been served and the name of the respondent has been printed in the cause list, there is no representation on behalf of the respondent.

3. It is the case of the petitioner that the petitioner's aunt, Sokkammal, had deposited a sum of Rs.35,162/- towards a deposit scheme of Kamadhenu Deposit Senior Citizen, on 06.07.2011, vide Customer ID No.51322883 in DR No.1672404000055 on the file of the respondent herein. At the time of depositing the said amount, Sokkammal had not nominated anybody else, as her nominee, for the said deposit. But, subsequently, on

16.11.2011, Sokkammal had executed a sworn affidavit, thereby nominating the petitioner as her nominee for the said deposit and the said affidavit has also been produced to the Bank. Thereafter, Sokkammal died on 20.12.2011. At the time of death, she was aged 55 years and unmarried. Prior to death of Sokkammal, the petitioner had approached the respondent and submitted a representation dated 13.10.2011, thereby requesting the Bank to grant the said deposit to the petitioner. The other legal heirs have also given their consent, by way of an undertaking letter, dated 13.10.2011. But, the respondent has not considered the said representation and there was no response from the Bank. Despite repeated requests, the petitioner could not get the amount. Hence, the petitioner has come forward before this Court by way of this writ petition.

4. This Court has carefully considered the submissions made by the learned counsel for the petitioner and perused the materials available on record.

5. Since the prayer sought for by the petitioner in this writ petition is only for a direction to the respondent to disburse the amount of Rs.39,019/-, which was deposited by the petitioner's aunt, namely, Sokkammal, by considering the petitioner's representation, dated 13.10.2011, this Court is of the considered view that such a direction shall be granted. Further, in view of the fact that Sokkammal had executed a sworn affidavit, nominating the petitioner as her nominee for the said deposit and also the fact that other legal heirs have given a consent letter to disburse the amount to the petitioner, this Court is satisfied that the direction sought for by the petitioner may be granted. In such view of the matter, the respondent is hereby directed to consider and pass orders on the application, dated 13.10.2011, submitted by the petitioner, on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order.

6. With the above directions, this writ petition is disposed of. No costs.

-s/d-
Assistant Registrar

true Copy

Sub-Assistant Registrar

srk

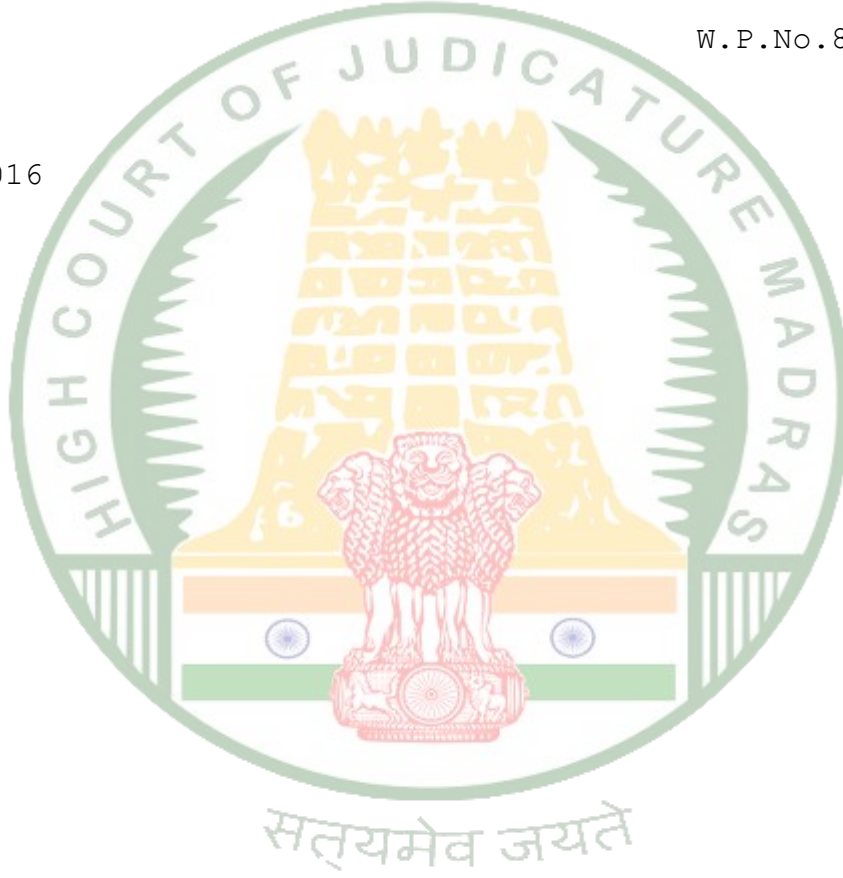
To

1. The Branch Manager,
Canara Bank, Sayanapuram Village,
Arakonam Taluk, Vellore 631 051

+1 cc to Mr.B.Ganeshamoorthy advocate sr 65345

W.P.No.8201 of 2016

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