



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 11.07.2016

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P(MD)No.19253 of 2015

and

M.P(MD)No.1 of 2015

K.Karuppasamy

..Petitioner

Vs

1.The Regional Manager,
Pandian Grama Bank,
Virudhunagar.

2.The Branch Manager,
Pandian Grama Bank,
Pudukkottai Branch - 622 001,
Pudukkottai.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to permit the Petitioner to open the Locker No.C6 and further to close the Fixed Deposit No.FDR.211300018SB3803 within the time fixed by this Court.

For Petitioner :M/s.K.P.S.Palanivel Rajan

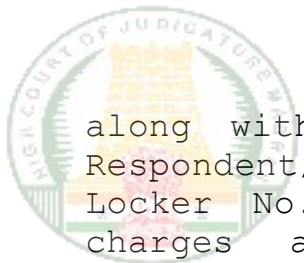
For Respondents : No appearance

ORDER

Heard the Learned Counsel for the Petitioner.

2.According to the Petitioner, he is holding an Account No.521501000003803 with the Second Respondent/Pandian Grama Bank, Pudukkottai Branch, Pudukkottai and also Locker No.C6 in his name.

3.It is his stand that on 17.2.2014, while he was travelling from Usilankulam on his bike, he had missed the Bank Pass-book, and Locker Key provided by the Second Respondent. In spite of diligent search, he could not find the Bank Pass-book and Locker Key. Therefore, he filed a complaint before the Inspector of Police, Kalaiyarkoil Police station, Sivagangai District and obtained Receipt No.129 of 2014. Thereafter, on 7,3,2014, the Petitioner submitted a representation to the Second Respondent/Pandian Grama Bank, Pudukkottai Branch, Pudukkottai



along with Non-Traceable Certificate and requested the Second Respondent/Bank to provide a duplicate key for the above said Locker No.C6 on undertaking that he would pay the necessary charges and in the event of getting the original key, he would intimate the same to the Second Respondent.

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4.The Learned Counsel for the Petitioner submits that on 2.6.2015, the Petitioner issued a Lawyer Notice to the Second Respondent and thereafter on 5.6.2015, the Petitioner gave a request to the Second Respondent that he had found the misplaced key and sought permission of the Bank to open the Locker and to close the Fixed Deposit.

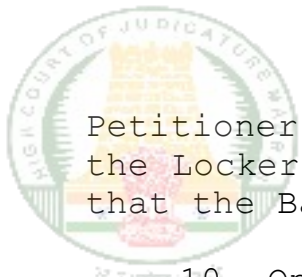
5.In this connection, it is represented on behalf of the Petitioner that the Petitioner had enclosed an acknowledgement from the concerned Police and had issued the Non-Traceable Certificate earlier, stating that the case was closed as original Locker Key was found.

6.The version of the Petitioner is that the Second Respondent/Pandian Grama Bank, Pudukkottai Branch, Pudukkottai had issued a legal notice dated 28.8.2015 directing him to get appropriate relief from the Court and thereafter, they would permit the Petitioner to open the Locker, is clearly a contrary and illegal one, in the eye of Law. Therefore, the Petitioner has preferred the present Writ Petition for the relief stated supra.

7.It transpires from Page No.6 of the typed-set of papers that the Sub-Inspector of Police, Law and Order, Kalayarkoil Police station, Sivagangai District on 25.6.2015 had issued a communication, wherein, it was mentioned that the Petitioner gave a complaint to the Kalayarkoil Police Station on 6.3.2014 to the effect that his Locker Key was missing and Receipt bearing No.129/2014 was given to him and presently, the said Locker Key was traced out and therefore, the Petitioner had withdrawn the complaint and because of all these, the Police had not taken any further action in the matter.

8.The Learned Counsel for the Petitioner urges before this Court that inspite of the communication of the Sub-Inspector of Police, Law and Order, Kalayarkoil Police station, Sivagangai District, dated 25.6.2015 to the effect that they had not taken further action in the subject-matter in issue, the Second Respondent/Bank is insisting upon the Petitioner to obtain necessary orders from the Court to open the Locker and to fore-close the Fixed Deposit.

9.At this juncture, this Court has perused the Lawyer's Notice dated 28.8.2015 issued on behalf of the Second Respondent/Bank addressed to the Petitioner, wherein it has, among other things, mentioned that the Bank is insisting upon the



Petitioner to obtain necessary orders from the Court for opening the Locker and ultimately, it was mentioned in crystalline fashion that the Bank has no objection for opening the Locker.

10. On a careful consideration of the contentions advanced on behalf of the Petitioner and also this Court bearing in mind the primordial fact that the Sub-Inspector of Police, Law and Order, Kalayarkoil Police station, Sivagangai District in his communication dated 25.6.2015 inter-alia mentioned that the Petitioner had withdrawn the complaint because of the fact that he had found out the Locker Key, further action was not taken and also this Court after going through the contents of the Lawyer's Notice, dated 28.8.2015 issued on behalf of the Second Respondent/Bank, wherein, the Bank had clearly mentioned in last two lines to the effect that the Bank has no objection for opening of Locker, this Court in the interest of justice, Fair Play, Equity, Good Conscience and even as a matter of prudence, directs the Respondents/Bank to permit the Petitioner to open the Locker No.C6 and to close the Fixed Deposit No.FDR.211300018SB3803 within a period of two weeks from the date of receipt of a copy of this order(if he so desires or advised) and take back the Fixed Deposit Amount so made(since it is represented before this Court on behalf of the Petitioner that the date of Fixed Deposit Amount had already expired).

11.With the aforesaid observations and directions, the Writ Petition stands disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

vsn

To

1.The Regional Manager, Pandian Grama Bank, Virudhunagar.

2.The Branch Manager, Pandian Grama Bank,
Pudukkottai Branch - 622 001, Pudukkottai.

+1CC to Mr.K.P.S.Palanivel Rajan, Advocate Sr.No.35653

+1CC to Mr.N.Dilip Kumar, Advocate Sr.No.35508

GJM/PEK/19.7.16-3p-5C

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