



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 29.07.2016

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P (MD) No.20747 OF 2015

Minor M.Shafiya Begam,
Rep.by Guardian A.Mohideen Khan

... Petitioner

.Vs-.

1. The Director of Postal Services,
O/o Postmaster General,
Southern Region(TN),
Madurai-625 002.
2. The Department of Posts,
O/o Superintendent of Post Offices,
Sivaganga Division,
Sivaganga-630 561.
3. The Assistant Post Master,
Head Post Office,
Sivaganga.
4. The Sub-Post Master,
Court Post Office,
Sivaganga.

... 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 trace and furnish the details of Recurring Deposit and Kishan Vikas Patras as mentioned above and pay the amount by calculating the amount of Recurring Deposit and Kishan Vikas Patras and all the interests payable to the petitioner and accordingly pay the same to the petitioner in accordance with law granting such further orders as this Court may deem fit and proper.

For Petitioner : No appearance
For Respondents : Mr.N.Shanmuga Selvam

ORDER

The prayer in the Writ Petition is for a Writ of Mandamus to direct the respondents to trace and furnish the details of Recurring Deposit and Kishan Vikas Patras as mentioned above and pay the



amount by calculating the amount of Recurring Deposit and Kishan Vikas Patras and all the interests payable to the petitioner and accordingly pay the same to the petitioner in accordance with law.

2. None appears for the petitioner. However, the learned Counsel appearing for the respondents is present and heard.

3. The brief facts which are necessary for the disposal of the writ petition are that the petitioner is a minor represented by her Guardian who is none other than the petitioner's paternal uncle. The petitioner's mother A.Fathima John and her husband J.Mohammed Hariff died in the disaster of Tsunami in the year 2004. After the death of the couple, their minor daughter, namely, the petitioner herein became a successor to her estate.

4. It is submitted by the respondents before this Court that the parents of the petitioner had opened two Recurring Deposit bearing Nos.660711 and 5400001, dated 22.05.2013 and 05.01.2004 respectively, and Rs.30,000/- and Rs.60,000/- were put in the respective accounts, which are maintained at the Office of the Sub-Post Master, Court Post Office, Sivagangai. After that, the petitioner also obtained Kishan Vikas Bond Certificates for a total sum of Rs.50,000/- and the above said Certificates are with different serial numbers.

5. Having regard to the prayer in the writ petition and the fact that the petitioner has filed a claim before the respondents, this Court is inclined to pass the following order:

The first respondent is directed to consider the claim received on behalf of the petitioner seeking refund of the entire amounts in different deposits by the petitioner's parents in different accounts with the fourth respondent and after ascertaining the amounts due in all the accounts and after holding an enquiry as to the identity and entitlement of the petitioner, disburse the amounts with accrued interest as applicable to such deposits within a period of ten weeks from the date of receipt of a copy of this order. It is also open to the first respondent to consider the genuineness of the claim of the Guardian of the minor so as to pass appropriate orders in the interest of minor in getting the fruits of the order.

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

Sd/-
Assistant Registrar (AE)

/True Copy/



To

1. The Director of Postal Services,
O/o Postmaster General,
Southern Region(TN),
Madurai-625 002.
2. The Department of Posts,
O/o Superintendent of Post Offices,
Sivaganga Division,
Sivaganga-630 561.
3. The Assistant Post Master,
Head Post Office,
Sivaganga.
4. The Sub-Post Master,
Court Post Office,
Sivaganga.

+ 1 CC TO MR.N.SHANMUGA SELVAM, ADVOCATE IN SR No. 40844

GSR

TE/ARK-PV : 08/08/2016 : 3P/6C

W.P (MD) No.20747 OF 2015

29.07.2016