



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2016

WEB COPY

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRA BAABU

W.P(MD) No.24288 of 2016

and

WMP(MD) No. 17545 of 2016

Dr. K.R.Brindha

.. Petitioner

vs.

1. The Branch Manager,
Punjab National Bank,
Royal Road,
Cantonment,
Trichy.

2. Sarasu

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Mandamus directing the 1st respondent to permit the petitioner to open the Locker No.AA00026 in the presence of the 1st respondent and other officials and others as required under law, which stands in the joint names of petitioner's Late husband Dr.K.Tamilarasan and the petitioner so as to enable her to retrieve old notes Rs.500/- & Rs.1000/- if any kept in the locker in order to deposit the same with the 1st respondent bank to avoid the consequences of demonetization.

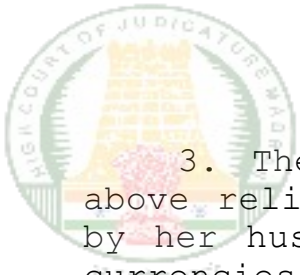
For Petitioner : Mr. B. Saravanan
For R1 : Mr. N. Shanmuga Selvam

O R D E R

The petitioner seeks for a mandamus directing the first respondent to permit the petitioner to open the Locker No.AA00026 in the presence of the first respondent and other officials and others as required under law, which stands in the joint names of petitioner's Late husband Dr.K.Tamilarasan and the petitioner so as to enable her to retrieve old notes Rs.500/- & Rs.1000/- if any kept in the locker in order to deposit the same with the first respondent bank to avoid the consequences of demonetization.

<https://hcservices.ecourts.gov.in/hcservices/>

2. Heard both sides.



3. The petitioner approached this Court and sought for the above relief based on apprehension that in the locker maintained by her husband Dr.K.Tamilarasan and the petitioner jointly, some currencies in the demonination of Rs.500 and Rs.1000, which were declared invalid might have been kept by her late husband. Therefore, it is stated that unless the locker is permitted to be opened so as to enable the petitioner to take those currencies for depositing the same in the bank account within the last day fixed by the Government for making such deposits, the petitioner's interest will be seriously prejudiced.

4. It is seen that the petitioner has already approached the civil court and filed O.S.No.131 of 2016 on the file of the Principal District and Sessions Court, Namakkal District representing her minor children and sought for the relief of partition and for permanent injunction against one Sarasu and the bank officials. In the said suit, the petitioner has also sought for interim relief in I.A.No.328 of 2016 for taking inventory of the items available in the subject matter locker. It is further seen that the said Interlocutory Application is still pending. When that being the factual position, I do not think that the petitioner can file the present writ petition as well by way of parallel proceedings and seek for the present relief.

5. Needless to say it is for the petitioner to work out her remedy by raising her contentions in the above said Interlocutory Application itself before the civil court where the suit is pending.

6. Therefore, I find the present writ petition is not maintainable apart from the fact that it is totally misconceived. Accordingly, this writ petition is disposed of with the direction to the petitioner to agitate her rights before the civil court as stated supra.

7. Considering the urgency involved in the present claim made by the petitioner, I direct the Principal District and Sessions Judge, Namakkal District, to dispose of I.A.No.328 of 2016 in O.S.No.131 of 2016 as expeditiously as possible preferably within a period of three weeks from today after hearing both parties.

8. With the above direction, this writ petition is disposed of. No costs. Consequently, connected W.M.P.(MD) No.17545 of 2016 is closed.

Sd/-
Assistant Registrar(CO)



To,

1 The Principal District and Sessions Court,
Namakkal District.

2 The Branch Manager,
Punjab Nation Bank,
Royal Road,
Cantonment, Trichy.

+1 cc to MR.B.SARAVANAN, Advocate Sr.No.81814

W.P(MD)No.24288 of 2016

and

WMP(MD) No. 17545 of 2016

19.12.2016

SMA/PV/SAR-1/22.12.2016:3P/4C