

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2017

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THE HON'BLE MR. JUSTICE M.DURAI SWAMY

W.P.No.39499 of 2016
and W.M.P.No.24689 of 20171 L.Nagesh
2 N.Asha

[Petitioners]

Vs

1 Chennai Central Coop. Bank Ltd
Rep by the Branch Manager
Saligramam Branch
No.1 Navaneedhammal Street Saligramam
Chennai
2 The Inspector of Police
R5 Virugambakkam Police Station
Virugambakkam Chennai
3 Selvi

[Respondents]

Writ Petition filed under Article 226 of the Constitution of India
praying for the issuance of a writ of mandamus directing the
respondents 1 and 2 to permit the petitioners to access the locker in
the S.B.A / C No. 361 Locker No.37 Key No.26 AF 239 owned to the
petitioner mother S.N.Kamaladevi.

For Petitioner : Mr.S.Manoharan

For Respondents : Mr.P.Anbarasan (R1)
Mr.Narayanan (R3)
Mr.R.Rajeswaran, SGP (R2)

ORDER

Heard the learned counsel for the petitioner, Mr.P.Anbarasan, learned counsel for the 1st respondent, Mr.R.Rajeswaran, learned Special Government Pleader for the 2nd respondent and Mr.Narayanan, learned counsel for the 3rd respondent and perused the materials available on record.

2. The petitioners have filed the above writ petition to issue a Writ of mandamus directing the respondents 1 and 2 to permit them to access the locker in the S.B. A/c No. 361, Locker No.37, Key No.26 AF 239, owned by their mother S.N.Kamaladevi.

3. It is the case of the petitioners that the petitioners and the 3rd respondent are the legal heirs of one S.N.Kamaladevi, who had died on 20.11.2012. It is not in dispute that the said S.N.Kamaladevi had a locker facility with the 1st respondent Bank in Locker No.37, Key No.26 AF 239 and after her demise, the petitioners approached the 1st respondent for having access to the locker. However, the 1st respondent denied the access to the locker for the reason that the petitioners have not produced the legarheirship certificate. It is alleged that the 3rd respondent had committed murder of her mother and she is facing trial before the Sessions Court.

4. The learned counsel for the 3rd respondent has no objection for the petitioners to have access to the Bank Locker. The learned counsel for the 1st respondent Bank submitted that since the 3rd respondent is not objecting the petitioners for having access to the Bank Locker, the writ petition may be disposed of by directing the respondents 1 and 2 to permit the petitioners to have access to the Bank Locker.

5. Recording the submissions made by the learned counsel on either side, I direct the respondents 1 and 2 to permit the petitioners to have access to the Bank Locker in S.B. A/c No.361, Locker No.37, Key No.26 AF 239, owned by the petitioners' mother S.N.Kamaladevi, subject to the production of all relevant documents before the 1st respondent.

With these observations, the writ petition is disposed of. No costs. Connected miscellaneous petition is closed.

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M.DURAISWAMY,J

To

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