

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 30.08.2017
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.34883 of 2004

R.Jayalakshmi Ammal

..Petitioner

Vs.

1. The Chief Post Master General,
Head Post Office,
Anna Salai, Chennai-1.
2. The Post Master,
Head Post Office,
Kumbakonam.

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to release the amount standing in the name of late P.V. Ramaiyer in the form of three fixed deposits bearing numbers 566593, 566594, 566595 on the file of the second respondent in favour of the petitioner and her son i.e., R.Venkatasubramaniam who are the legal heirs of late P.V.Ramaiyer.

For Petitioner : M/s.Sai Bharath & Ilan

For Respondents : Mr.A.Murugan

Central Government Standing Counsel

O R D E R

The Writ Petition has been filed to issue a Writ of Mandamus directing the first respondent to release the amount standing in the name of late P.V. Ramaiyer in the form of three fixed deposits bearing numbers 566593, 566594, 566595 on the file of the second respondent in favour of the petitioner and her son i.e., R.Venkatasubramaniam who are the legal heirs of late P.V.Ramaiyer.

2. The brief case of the facts are as follows:

The husband of the petitioner worked as a Post-master in Kumbakkonam Vaitheeswaran Kovil Post Office. While he was working in the said post, he made five deposits of Rs.50,000/- each bearing Nos.56691, 566592, 566593, 566594 and 566595 in the second respondent post office and the amount was released in favour of Seetha for three deposits in which she has been nominated.

3. Learned counsel for the petitioner would submit that out of five deposits made by the husband of the petitioner, two deposits carries the name of the petitioner and her son as nominees and for rest of the three deposits, one Seetha, co-employee of the petitioner's husband, was nominated. Since the said three deposits, in which, Seetha was nominated, not refunded in favour of the petitioner, she approached this court for a mandamus directing the respondent to release the amount in favour of the petitioner. Prior to filing of this writ petition, the petitioner has filed a criminal original petition in CRL.OP.No.25104 of 2003 praying for a direction to register the complaint dated 14.07.2003 and investigate the case in procuring the deposit from Seetha and hand over to the petitioner.

This court, by an order dated 12.08.2003, has passed the following order which reads as follows:

3. The petitioner would further submit that her husband left home with an intention to fill the nominee and safeguard the deposit made through Seetha that the sudden death of her husband has raised suspicion in the mind of the petitioner that after the death ceremonies, the said Seetha told the petitioner that the deceased Rama Iyer has nominated the petitioner in the first two accounts and has handed over the books to the petitioner and she would not know about the other three pass books and about the nominee nominated by the deceased Rama Iyer and hence, she met the post master concerned and came to understand that Seetha was appointed as nominee in all the other accounts that utilising her official post, the said Seetha has taken some loans against the said deposit and has also taken steps to withdraw the deposit from the post office that therefore, the petitioner gave a representation to the post master on 03.03.2003 to stop and prevent her from operating those deposits and not to allow her to withdraw the deposits. The petitioner further doubts about the death of her husband, whether it could a natural or homicidal death and apprehends that the said Seetha could hamper and tamper the evidence available by using her official post and hence, the petitioner prays for a direction to the respondent to take necessary action and investigate the matter.

4. Considering all the facts and circumstances of the case, the petitioner is directed to lodge a complaint with the jurisdiction police i.e., Inspector of Police, Nannilam, Thiruvidadimarudhur within a period of seven days from the date of receipt of a copy of this order and the said

Inspector shall inquire into the facts connected to the above complaint and act in accordance with law and shall complete the enquiry within a period of thirty days from the date of receipt of a such complaint."

4. On perusal of the said order, it is seen that already three deposits were released in favour of Seetha. Despite the objection made by the petitioner, on 03.03.2003, the amount was released in favour of Seetha. However, this court granted liberty to the petitioner to lodge a complaint before the jurisdictional police.

5. Learned counsel appearing for the petitioner would submit that since the amount was already released in favour of Seetha, liberty may be given to the petitioner to work out her remedy before the civil forum to recover the amount. Accordingly, liberty is granted to the petitioner to workout the remedy before appropriate civil forum.

6. It is needless to say that the period of pendency of the writ petition is excluded for the purpose of limitation.

In the result, the writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gv/gmd

To

1. The Chief Post Master General,
Head Post Office,
Anna Salai, Chennai-1.

2. The Post Master,
Head Post Office,
Kumbakonam.

+1 cc to M/s.Sai Bharathi & Ilan Advocate sr 62768
+1 cc to Mr.A.Murugan CGSC Advocate sr 62937

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aa11/10/2017