



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :02.08.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.5301 of 2018
and
W.M.P. (MD) .No.5259 of 2018

N.Sarojini Devi : Petitioner

Vs.

1. The Manager,
Madurai District Central Co-operative Bank Limited,
Usilampatti, Madurai District.

2. O.Ranammal

3. The Joint Registrar,
Co-operatives, Madurai.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the order passed by the first respondent dated 23.02.2018 and quash the same and consequently direct the first respondent permit/allow the petitioner to operate/open the Locker No.A41 (A/c No.10418), which stands in the name of the petitioner's husband.

For Petitioner : Mr.T.S.Mohamed Mohideen
For R-1 : Mr.D.Shanmugaraja Sethupathi
For R-3 : Mr.J.Gunaseelanmuthiah
Additional Government Pleader
For R-2 : No appearance

O R D E R

The Writ Petition has been filed seeking to quash the impugned order passed by the first respondent dated 23.02.2018 and consequently, direct the first respondent to permit/allow the petitioner to operate/open the Locker No.A41 (A/c No.10418), which stands in the name of the petitioner's husband.



appearing for the first respondent and Mr.J.Gunaseelanmuthiah, learned Additional Government Pleader appearing for the third respondent.

3. The only ground, on which, the impugned order has been passed rejecting the petitioner's requests to operate the locker of her husband, namely, Late.Balasubramanian is that all the legal heirs have not approached the respondent bank. In my view, if a consent affidavits from all the legal heirs are produced before the first respondent bank, they may not have any impediment to consider the same. The impugned order insisting the petitioner to bring all the legal heirs of Late.Balasubramanian personally before the bank, may not be proper.

4. In the light of the observations, the petitioner is granted liberty to approach the first respondent bank with the request to operate her husband, namely, Late.Balasubramanian's locker No.A41 along with the certified legal heirship certificate and the consent affidavits of all the legal heirs of Late.Balasubramanian. On receipt of the same, the first respondent bank shall permit the petitioner herein to operate the locker No.A41. The respondent is also at liberty to obtain an indemnity bond, if required.

5. With the above observations, the Writ Petition stands allowed. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The Manager,
Madurai District Central Co-operative Bank Limited,
Usilampatti, Madurai District.

2. The Joint Registrar,
Co-operatives, Madurai.

+ 1 CC TO Mr.T.S.MOHAMED MOHIDEEN, ADVOCATE IN SR No. 76870

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 77027

SJI

TE/SKN/SAR-1 : 10/09/2018 : 2P/5C