

HONOURABLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No. 803 OF 2016

ORDER :

This is a writ of mandamus filed by the petitioner seeking a direction to the respondents 1 to 7 not to disburse the amounts under the deposits made by the petitioner's junior paternal grand father by name; Yenduri Sri Anjaneyulu in favour of respondents 8 to 10.

2. The petitioner has filed an affidavit stating that his grand father; Yenduri Sri Anjaneyulu has executed a will deed in his favour on 25/11/2015 bequeathing all his properties both movable and immovable with absolute rights and subsequently he died on 29/11/2015. The petitioner has performed the last rites, being grand son. The respondents 8 and 9 being the domestic servants of his grand father, and the respondent No.10 a practicing Advocate at Machilipatnam, Krishna district, are trying to knock away the properties bequeathed to the petitioner with the influence of officials of banking institution. Therefore, the petitioner has filed the present writ petition seeking a direction to the respondents 1 to 7 not to disburse the amounts under the deposits made by the petitioner's junior paternal grand father by name; Yenduri Sri Anjaneyulu in favour of respondents 8 to 10.

3. Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Home.

4. The learned counsel for the petitioner submits that the petitioner has got movable and immovable properties of his grand father through a will deed. The respondent No. 8 and respondent No.9 are domestic servants, and respondent No.10 is an advocate. They are trying to knock away the properties in collusion with the respondents 1 to 7, who are the officials of different banks, post offices and Insurance companies and therefore, the petition is filed for restraining the bank officials for a direction to them not to disburse any amount under the deposits made by late Yenduri Sri Anjanayeulu.

5. The averments made in the affidavit are mainly against respondents 8, 9 and 10, who are domestic servants and an advocate said to have colluded with the respondents 1 to 7, who are bank officials, postmaster, Head Post Office, Manager, Kotak Mahindra Bank Limited and the Divisional Manager, Life Insurance Corporation of India. The averments in the affidavit prima facie do not disclose any specific instance of collusion between respondents 8 to 10 and respondents 1 to 7. The respondents 1 to 7 being the bank officials and the Insurance Company Managers, cannot be assumed to be in collusion with the respondents 1 to 7 by mere affidavit of petitioner.

6. In the light of the averments in the petitioner's affidavit, it is obvious that the petitioner is the grandson of Yenduri Sri Anjaneyulu, who has executed a registered 'will' in favour of the petitioner. The petitioner claims that Yenduri Sri Anjaneyulu has executed a registered 'will' in his favour and he has absolute rights over the properties mentioned in the 'will'. The grievance of the petitioner is that the respondents 8, 9 and 10 have colluded with respondents 1 to 7 and trying to withdraw the deposits from the respective institutions.

7. On consideration of the averments in the petitioner's affidavit, it is obvious that there are no specific instances brought to the notice of this Court that there is collusion between the respondents 8 to 10 and respondents 1 to 7 in withdrawing the deposits from the Banks and Insurance Companies. The apprehension of the petitioner does not appear to be a reasonable apprehension having any basis. On the other hand, if the petitioner has got any right under the 'will', he can seek appropriate remedy before appropriate forum for execution of his rights under the 'will'. Therefore, this writ petition is misconceived.

8. In the result, the writ petition is dismissed without costs. However, the petitioner is given liberty to avail remedies available under law before appropriate forum in respect of his rights under the 'will'.

9. Miscellaneous petitions, if any pending, shall also stand dismissed.

JUSTICE GUDISEVA SHYAM PRASAD.



19/04/2018
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