



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.12.2019**

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.25950 of 2019

C.Mathani

... Petitioner

Vs.

The Branch Manager,
Indian Overseas Bank,
K.Sathanur, K.K.Nagar,
Trichy - 620 021.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent herein to consider the petitioner's representation dated 10.10.2019 to allow the petitioner to open the Locker No.44, in Account No.037501000018205 in the respondent Bank.

For Petitioner : MrG.Ganesh Kumar
For Respondent : Mr.N.Dilipkumar

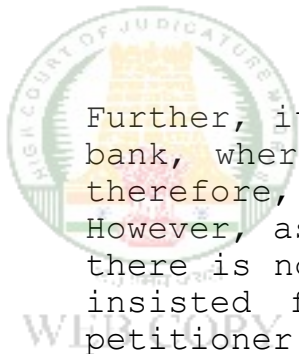
ORDER

Mr.N.Dilipkumar, learned standing counsel takes notice for the respondent.

2. By consent, the writ petition is taken up for disposal at the admission stage itself.

3. This Writ petition has been filed by the petitioner seeking for issuance of Writ of Mandamus, directing the respondent Bank to consider her representation dated 10.10.2019 and allow her to open the Locker No.44 in Account No.037501000018205 in the respondent Bank.

4. It is stated that the mother of the petitioner was a Srilankan refugee and she had two children, namely, the petitioner and also her brother, who is working abroad. The mother of the petitioner had a Savings Account in the respondent Bank and she also had a Locker No.44 in the said bank and she died on 18.11.2018.



Further, it is stated that the deceased also had an account in other bank, wherein the petitioner herein was mentioned as a nominee and therefore, the amount lying in the said amount was given to her. However, as far as Locker No.44 in the respondent bank is concerned, there is no nomination given by the deceased and the respondent Bank insisted for production of legal heir certificate. Since the petitioner is a Srilankan refugee, she could not get the legal heir certificate and therefore, she has come forward to file this writ petition for the relief stated supra.

5. The learned standing counsel appearing for the respondent Bank states that it is a procedure that the legal heir certificate of the deceased has to be produced for opening or operating the locker. Even assuming that the petitioner is a Srilankan refugee, admittedly, she has been living in Trichy for more than thirty years and there is also a procedure prescribed for such people for obtaining a legal heir certificate for various purposes. Therefore, without obtaining the legal heir certificate, the bank cannot take the risk of giving away the rights of the other legal heirs.

6. In view of the above submissions, the petitioner is directed to obtain a legal heir certificate from appropriate authority and on production of the same, the respondent Bank may permit the petitioner to open the Locker No.44 in Account No.037501000018205, if otherwise the procedures are in order.

With the above direction, this Writ Petition is disposed of.
No Costs.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-103798[F] 06/12/2019)

W.P(MD)No.25950 of 2019
05.12.2019

pm

SDS (18.12.2019) 2P 2C