

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.11620 of 2017
and W.M.P.No.12636 of 2017
(Heard Through VC)

T.M.Janaki

..Petitioner

Vs.

1. The Post Master General
Kovai Region, R.S.Puram,
Coimbatore - 2.
2. The Senior Divisional Postal Superintendent,
Tirupur Post, Tiruppur.
3. The Post Master,
North Post Office, Tiruppur Road,
Kangayam, Tiruppur District.
4. The Sub Post Master (LIG),
Post Office, Kovai Road,
Kangayam, Tiruppur District.

5. M.Thangamuthu

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents 1 to 4 from closing or altering Money Investment Scheme deposits Viz.1. 3192530577 2. 2768576629 3. 2768571518 4. 2768571495 on the file of the 4th respondent's post office 5. 1796082201 6.1796039649 7.1796039687 8. 1796082249 and 9. 1796042441 on the file of the third responden't post office.

For Petitioner : Mr.V.Elangovan

For Respondents : Mr.S.Navaneetha Krishnan
1 to 4 Senior Panel Counsel
(No Appearance)

For Respondent-5 : Mr.R.Prabudoss (No Appearance)

ORDER

The petitioner, who claims to be the nominee for Monthly Income Scheme deposits with the fourth respondent in Account Numbers (1) 3192530577, (2) 2768576629, (3) 2768571518 (4) 2768571495 and with the third respondent in Account Numbers (5) 1796082201, (6) 1796039649, (7) 1796039687, (8) 1796082249 and (9) 179604244, is seeking a mandamus, forbearing the respondents 1 to 4 from closing the account.

2. Heard the learned counsel for the petitioner and perused the materials placed before this Court.

3. One Pappal and Thangamuthu are wife and husband. The petitioner is the sister of the said Pappal and sister-in-law of Thangamuthu, the fifth respondent herein. As per the affidavit filed by the petitioner, the deposits have been made in the joint names of the said Pappal and Thangamuthu, the fifth respondent herein. Incidentally, the petitioner has been shown as nominee for such deposits. The sister of the petitioner, viz., Pappal died on 28.04.2016. After her death, the other joint depositor is entitled to hold the account and deal with it. If both the depositors are not alive, the nomination will come into operation. Besides the nominee does not get any right vested and acts only as a custodian and receives the money in trust.

4. From the facts, it appears that the petitioner is seeking some kind of settlement from the fifth respondent, viz., brother-in-law from out of the money of her deceased sister-Pappal. If that is so, it is for them to settle. The respondents 1 to 4, have got nothing to do with the same. Even in the representation given by the petitioner, she is only asking the respondents 1 to 4, not to disburse any amounts.

5. Considering the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner, this Court, without expressing any opinion on the merits of the case, directs the respondents 3 and 4 to consider the representation of the petitioner dated 29.04.2017, enquire into the same and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner as well as the fifth respondent and by affording them an opportunity of personal hearing or virtual hearing or otherwise considering their written objections and after verifying the relevant documents, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above directions, the Writ Petition is disposed of. No costs. Consequently, the connected writ miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

asr

To

1. The Post Master General
Kovai Region, R.S.Puram,
Coimbatore - 2.
2. The Senior Divisional Postal Superintendent,
Tirupur Post, Tiruppur.
3. The Post Master,
North Post Office, Tiruppur Road,
Kangayam, Tiruppur District.
4. The Sub Post Master (LIG),
Post Office, Kovai Road,
Kangayam, Tiruppur District.

+1 cc to M/s.S.Duraisamy, Advocate Sr.No. 24754

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LN(CO)
RMP(09/10/2020)

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