



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 17.06.2020

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P (MD)No.6791 of 2020

and

W.M.P. (MD)No.6187 of 2020

WEB COPY

S.Palanivelrajan

...Petitioner

Vs

1.The Manager,
The State Bank of India,
Kuruvidurai Post,
Vadipatti Taluk,
Madurai District.

2.S.Tamilselvi

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the first respondent to disburse the amount lying in Fixed Deposit (FD) Account in Acc.No.38861404275 of the deceased Late Subbaiah and disburse equally to his legal heirs within a stipulated time fixed by those Hon'ble Court.

For Petitioner : Mr.J.Senthil Kumaraiah

For 1st Respondent : Mr.M.Saravana Kumar

ORDER

The Petitioner has filed this writ petition for issuance of writ of Mandamus directing the first respondent to disburse the amount lying in Fixed Deposit (FD) Account in Acc.No.38861404275 of the deceased Late Subbaiah and disburse equally to his legal heirs.

2.Heard the learned counsel appearing for the petitioner and perused the materials available on record.

3.The case of the petitioner is that the petitioner's father has deposited a sum of Rs.7,00,000/- as Fixed Deposit at the first respondent Bank. On 25.12.2019, the father of the petitioner was died leaving behind his two sons and three daughters as his legal heirs. Now, the petitioner came to know that his father has appointed his elder sister namely, Tamilselvi as nominee to the said Fixed Deposit. It is the further case of the petitioner that the second respondent without disclosing the legal heirs of the deceased Subbaiah (father of the petitioner), was trying to get hold of the entire Fixed Deposit amount without any partition. Even to apply for



legal heirship certificate, the second respondent is not co-operating and refusing. Therefore, the petitioner sent legal notice to the first respondent not to disburse the amount to the respondent, but by way of reply dated 07.02.2020, the first respondent has stated that they would disburse the Fixed Deposit amount only to the nominee of the deceased person and not to the legal heirs. Hence, the present writ petition.

4.Considering the above facts and circumstances of the case, this Court is not inclined to entertain this Writ Petition for the simple reason that there is no legal heirship certificate has been issued by the competent authority and therefore, the petitioner cannot seek for such kind of prayer and accordingly, this writ petition is liable to be dismissed. Since the petitioner has pleaded for some sympathy, this Court is of the view that the petitioner can approach this Court, after obtaining necessary legal heirship certificate, which will entitle him for the share.

5.Accordingly, by granting such liberty to the petitioner, this writ petition is dismissed without expressing any view on the merits of the claim made by the petitioner. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

The Manager,
The State Bank of India,
Kuruvidurai Post,
Vadipatti Taluk,
Madurai District.

W.P (MD) No. 6791 of 2020

and

W.M.P. (MD) No. 6187 of 2020

17.06.2020

SPU (22.06.2020) 2P-2C