



WEB COPY

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2021

CORAM

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.1987 of 2020

J.Kathirvel

...Petitioner

Vs

1. The Manager,
United Bank of India,
T.Nagar Branch,
Chennai 600 015.

2. The Branch Manager,
Punjab National Bank,
T.Nagar Branch,
Chennai

...Respondent

(R2 Suo Motu impleaded by this
Court on 23.11.2021 in
W.P.No.1987 of 2020)

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance WRIT OF MANDAMUS directing the respondent to consider the petitioner's representation dated 12.08.2017 and 09.10.2019.

For Petitioner : Mr. G.Pavendhan

For Respondents : Mr.F.B.Benjamin George

O R D E R

Petitioner has come up with this Writ Petition seeking a direction to the Respondents to consider his representations dated 12.08.2017 and 09.10.2019.

2.The case of the petitioner is that, his mother invested Rs.5,000/-in the 1st respondent Bank on 01.07.1976 and received a cash certificate. Subsequently, the petitioner's mother invested a sum of Rs.10,000/- in the 1st respondent Bank on 05.07.1977 and to that effect, she received cash certificate. Again, she deposited a sum of Rs.3,000/- in the 1st respondent Bank on 11.04.1979. Subsequently, his mother passed away on 14.03.1979. Thereafter, the petitioner applied for Legal heir Certificate on 01.08.1999. The petitioner's mother had two sons



(including the petitioner) and four daughters and all the daughters are married. However, the petitioner and his brother are the certified legal heirs of their deceased mother. Thereafter, the petitioner made a claim before the 2nd respondent enclosing all documents viz., Fixed Deposit cash receipts, Death Certificate, Legal heir Certificate. However, till date, no order is passed. Hence, the present writ petition is filed.

3.Mr.G.Pavendhan, learned counsel for the petitioner submitted that, this Court may issue a direction to the 1st Respondent to consider the petitioner's representation dated 14.10.2016 within a reasonable time as fixed by this Court. For the sake of clarity, the petitioner may be permitted to send a copy of the representation along with all necessary documents for claiming cash deposit benefits and appropriate orders may be passed within a reasonable time.

4.Mr.F.B.Benjamin George, learned Counsel appearing for the respondents submitted that during the pendency of the Writ petition, the 1st respondent/Bank of India was merged with Punjab National Bank and without impleading Punjab National Bank as a party to the proceedings, the Writ petition is not sustainable.

5.Facts in the present case are not in dispute. The petitioner claims that his mother made three cash deposits in the first respondent Bank. Hence, the petitioner made representations for refund of the amount enclosing requisite documents.

6.Considering the facts and circumstance of the case, without going into its merits, this Court directs the petitioner to send a copy of his representation along with requisite documents to the 1st respondent (now merged with Punjab National Bank) herein within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the 1st respondent shall consider the case of the petitioner after affording an opportunity of hearing to the petitioner in accordance with law and pass appropriate orders within period of eight weeks.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

Sma



To:

1. The Manager,
United Bank of India,
T.Nagar Branch,
Chennai 600 05.

2. The Branch Manager,
Punjab National Bank,
T.Nagar Branch,
Chennai.

+1cc to M/s.F.B.Benjamin George, Advocate, S.R.No.61162

+1cc to Mr.G.Pavendhan, Advocate, S.R.No.60512

W.P. No. 1987 of 2020

VG-II(CO)
RGA(03/03/2022)