

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2021

C O R A M

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.3531 of 2021 &
W.M.P.No.4019 of 2021

Zarina Khaleel

...

Petitioner

Vs.

1.The State Bank of India,
Rep. by its Assistant General Manager,
SME, Siruthozhil Branch,
Chetpet, Chennai - 600 031.

2.Syed Harun Habibullah
3.Syed Khaleel Niamathullah
4.Waheeda Kalil
5.Sabiha Syeda

...

Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records of the first respondent herein culminating in their communication dated 05.02.2021 vide SME/532 on the file of the first respondent herein dated and quash the same and consequently direct the first respondent bank herein to permit the petitioner to open and operate the bank locker No.167 (Key No.Godrej 132) maintained with the first respondent by the deceased daughter of the petitioner viz., K.Haseena Hajira, as per the Will dated 01.07.2020 executed by K.Haseena Hajira within the time frame as may be stipulated by this court.

For Petitioner :Mr.M.Santhanaraman

For Respondent 1 :Ms.S.R.Sumathy

For Respondents 2 to 5 :Mr.Moorthy

O R D E R

This writ petition has been filed challenging the communication dated 05.02.2021 sent by the first respondent bank rejecting the petitioner's request to operate the locker bearing No.167 (Key No.Godrej 132) which was maintained by her daughter K.Haseena Hajira.

2. According to the petitioner, K.Haseena Hajira, the daughter of the petitioner died on 18.07.2020 and before her death, she executed a Will dated 01.07.2020. According to the petitioner, under the said Will, the petitioner was permitted to operate the bank locker after the death of K.Haseena Hajira. After the death K.Haseena Hajira, the petitioner has approached the first respondent bank for operating the said locker. However, the first respondent bank under the impugned communication dated 05.02.2021 has rejected the petitioner's request on the ground that the Will relied upon by the petitioner will have to be probated or letter of administration obtained. Aggrieved by the same, the petitioner has filed this writ petition.

3. Heard Mr.M.Santhanaraman, learned counsel for the petitioner, Ms.S.R.Sumathy, learned standing counsel for the first respondent and Mr.Moorthy, learned counsel for the respondents 2 to 5.

4. The petitioner has filed a certificate from the Office of the Chief Kazi to the Government of Tamilnadu dated 01.09.2020 disclosing that the petitioner and the respondents 2 to 5 are the only legal heirs of K.Haseena Hajira who died on 18.07.2020.

5. Today learned counsel for the respondents 2 to 5 on instructions would submit that the respondents 2 to 5 have no objection for permitting the petitioner to operate the locker of K.Haseena Hajira who died on 18.07.2020. The petitioner is the mother of the deceased K.Haseena Hajira who was maintaining the aforementioned locker with the first respondent bank till her death. The respondents 2 to 5 have also filed a consent affidavit dated 18.03.2021 before this Court stating their no objection for permitting the petitioner to operate the bank locker bearing No.167 (Key No.Godrej 132) maintained by the deceased K.Haseena Hajira.

6. Learned standing counsel for the first respondent on instructions would submit that the certificate produced by the petitioner from the Chief Kazi is not a legal heirship certificate issued by the Tahsildar. Hence, she would submit that unless and until, the petitioner produces the legal heirship certificate from the Tahsildar and all the legal heirs give their no objection for permitting the petitioner to operate the bank locker of the deceased, the first respondent cannot permit the petitioner to operate the bank locker of the deceased K.Haseena Hajira. For this submission, the learned counsel for the petitioner on instructions is agreeable and would submit that if the first respondent bank is not insisting the petitioner for probate or letter of administration for the Will

of K.Haseena Hajira, the petitioner shall comply with the bank's requirements by producing the legal heirship certificate for the deceased Haseena Hajira. Learned standing counsel for the first respondent also agrees to the submission made by the learned counsel for the petitioner.

7. After recording the rival submissions, this Court directs the petitioner to produce the legal heirship certificate from the Tahsildar for the deceased K.Haseena Hajira who died on 18.07.2020 to the first respondent bank and also the consent affidavits from the other legal heirs of the deceased K.Haseena Hajira and on receipt of the same, the first respondent bank without insisting the petitioner for production of probate or letter of administration of Will shall permit the petitioner to operate the bank locker No.167 (Key No.Godrej 132).

8. With the aforesaid direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1.The State Bank of India,
Rep. by its Assistant General Manager,
SME, Siruthozhil Branch,
Chetpet, Chennai - 600 031.

+1cc to M/s.M.Santhanaraman, Advocate, S.R.No.19027

PL(CO)

CB(09/04/2021)

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