



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2021

CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN

W.P. No.4826 of 2021

R. Geetha

.. Petitioner

Versus

1. The District Disabled Rehabilitation Officer
Tamilnadu Disabled Welfare Board
Chennai

2. The Branch Manager
Indian Bank
No.5/54, Rajendraprasad Salai
Pallavaram
Chennai - 600 043

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent to grant permission to the petitioner to withdraw the amount lying in their bank account of mentally retarded person, within a stipulated time as fixed by this Hon'ble Court

For Petitioner : Mr.A.K.Manoj Kumar

For Respondents : Mr. G. Krishnaraja
Government Counsel (For R1)

Mr. Rajendra Raghavan (For R2)

ORDER

The present writ petition has been filed for issuance of a Writ of Mandamus directing the second respondent to grant permission to her to withdraw the amount lying in their bank account of mentally retarded person, within a stipulated time as fixed by this Court



2. According to the petitioner, she along with four sisters and a brother have born to her parents. Among the five female children, three children are mentally retarded. Her father died on 23.10.1991 and after his death, her mother was looking after the mentally retarded sisters. The first respondent, recognising their mental status, has also issued Identity Card to the three sisters of the petitioners, besides sanctioned a sum of Rs.1,000/- per month payable from 01.11.2007 and the amount is directly credited into the Account No. 6068241413, 6068181687 and 6068182240 from the date of opening on 24.09.2012. While so, the petitioner's mother, who was hitherto taking care of the three mentally retarded sisters, died on 11.03.2018. Therefore, the three mentally retarded sisters of the petitioner are staying in a Home called Bhavisha Deepam Hostel at No.6, Samathuvapuram Salai, Old Perungalathur. For the purpose of maintenance of the three mentally retarded sisters, funds are necessary and therefore the petitioner requested the second respondent bank to permit her to act as guardian and to withdraw the amount lying in the account of the three mentally retarded sisters, but she was not permitted to do so, hence, this writ petition.

3. The learned counsel for the petitioner submits that a direction may be issued to the second respondent to permit the petitioner to withdraw the amount lying in the bank account in the name of the petitioner's three mentally retarded sisters.

4. The learned counsel for the second respondent submitted that if a No Objection Certificate signed by the other legal heirs namely Ganesh, brother of the petitioner and Sangeetha, sister of the petitioner is submitted to the second respondent, the claim of the petitioner will be considered on merits.

5. It is a pathetic case where three sisters of the petitioner are mentally retarded and they are accommodated in a rehabilitation home at Perungalathur, Chennai. The petitioner, despite hurdles, is claiming that she is taking care of the mentally retarded sisters. The grievance of the petitioner is that the sum of Rs.1000/- disbursed towards monthly maintenance by the Tamilnadu Disabled Welfare Board, if permitted to be withdrawn by her, will be helpful to her to meet the reasonable



monthly expenditure of her three mentally retarded sisters. The petitioner also approached the second respondent herein to permit her to operate the bank account of her sisters by submitting a representation dated 21.10.2020 along with all the required documents, but the second respondent has not considered the same.

6. Considering the above facts and circumstances, the petitioner is directed to submit the No Objection from his sister and brother and produce it before the second respondent for consideration within a period of two weeks. On receipt of such No Objection and other required documentary evidence, from the petitioner, the second respondent bank is directed to consider the claim of the petitioner for permitting her to operate the three bank accounts of the mentally retarded sisters, take a decision thereon and pass orders on merits and in accordance with law within a period of four weeks.

7. With the aforesaid direction, this Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-VII)

// True Copy //

Sub Assistant Registrar

dhk/rsh

To

1. The District Disabled Rehabilitation Officer
Tamilnadu Disabled Welfare Board, Chennai

2. The Branch Manager
Indian Bank
No.5//54 Rajendraprasad Salai
Pallavaram, Chennai - 600 043

+1CC to M/s.A.K.Manoj Kumar, Advocate, SR.No. 47055
+1CC to The Government Pleader, SR.No. 47557

WP No.4826 of 2021

SV I(CO)
B.VC (13/10/2021)