

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.14789 of 2020

Mr.M.Syed Irfan Ali

... Petitioner

Vs.

1.The Regional Manager,
Indian Overseas Bank,
Chennai Regional Office,
No.763, New Building Annex,
III Floor, Anna Salai,
Chennai - 600 002.

2.The Branch Manager,
Indian Overseas Bank,
Avadi Branch,
Chennai - 600 071.

3.Customer Care Services
Indian Overseas Bank,
No.763, New Building Annex,
III Floor, Anna Salai,
Chennai - 600 002

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the 2nd respondent to handover the security amount mentioned in the SCOP.No.32/2008 with interest to 30 claimants and retain the shares of remaining the other 6 claimants who died subsequent to the claim and consider the representation dated 31.07.2019 of the petitioner.

For Petitioner : Ms.B.Jaya

For Respondents : Mr.M.V.Kathirvelu

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O R D E R

This writ petition has been filed for a mandamus to direct the second respondent to handover the security amount mentioned in SCOP.No.32 of 2008 with interest to 30 claimants and retain the shares of remaining 6 claimants who died subsequent to the claim based on the petitioner's representation on 31.07.2019.

2.Heard Ms.B.Jaya, learned counsel for the petitioner and Mr.M.V.Kathirvelu, learned counsel for the respondents.

3.The petitioner claims that he and 35 others were beneficiaries under the order dated 21.09.2011 passed in SCOP.No.32 of 2008 by the learned Principal District Judge, Tiruvallur, wherein the learned Principal District Judge had granted succession certificate. The petitioner has given a representation on 31.07.2019 to the second respondent to handover the security amount mentioned in the order dated 21.09.2011 passed by the learned Principal District Judge, Tiruvallur in SCOP.No.32 of 2008.

4.The petitioner has given a representation to the second respondent to pay the security amount for 30 claimants who are beneficiaries under the order dated 21.09.2011 passed by the learned Principal District Judge, Tiruvallur in SCOP No.32 of 2008 and retain the shares payable to the remaining six claimants, who have died subsequent to the passing of the order dated 21.09.2011 passed in SCOP No.32 of 2008.

5.Admittedly, the representation was given only by the petitioner alone though he claims to represent the interest of 29 other beneficiaries also. It is an also admitted fact that the representation was given by the petitioner on behalf of the remaining 29 beneficiaries through an unregistered Power of Attorney executed by the remaining 29 claimants in his/their favour.

6.The learned counsel for the respondents would submit that unless and until, the petitioner produces registered General Power of Attorney from the beneficiaries who are interested in getting the proceeds as per the order dated 21.09.2011 passed in SCOP No.32 of 2008, the respondents will not be in a position to consider the petitioner's request.

7.The learned counsel for the respondents also submits that the petitioner is to satisfy all the legal requirements for disbursement of money to the petitioner as well as other beneficiaries under the order dated 21.09.2011 passed by the learned Principal District Judge in SCOP No.32 of 2008.

8.The learned counsel for the petitioner on instructions would submit that the petitioner is willing to submit a fresh representation requesting the respondents to disburse the security amount in respect of 30 claimants alone by producing the registered General Power of Attorney from the remaining 29 claimants along with other supporting documents as required by the respondents.

9.After recording the submissions made by the respective counsels, this Court directs the petitioner to give a fresh representation within a period of two weeks from the date of the receipt of a copy of this order along with the registered General Power of Attorney from the remaining 29 claimants for whom he represents seeking for disbursement of money in respect of 30 claimants alone as per the order dated 21.09.2011 passed by the learned Principal District Judge, Tiruvallur in SCOP No.32 of 2008 along with supporting documents as required by the respondents and the respondents shall pass final orders on the petitioner's representation on merits and in accordance with law, within a period of six weeks from the date of receipt of a representation from the petitioner.

10.With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

pam

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+1 cc to M/s.B.Jaya, Advocate Sr.No. 7981

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SMI (CO)
RMP (04/03/2021)