



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.08.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH.,J

W.P.No.14909 of 2021

Mrs.K.Muthulakshmi

.. Petitioner

Vs

The Secretary,  
Tamil nadu National Engineering Industries,  
Employee's Co-operative Thrift and Credit Society,  
INTUC Bhavan, No.270,  
M.T.H.Road, SIDCO Estate,  
Ambattur,  
Chennai - 600 98

... Respondent

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus to direct the Respondent to release a sum of Rs.15 lakhs which is in the fixed deposit stands in the name of his deceased husband Mr.Kalaan who was the member of the Respondent society in the petitioner favor as petitioner is the Nominee without insisting any NO Objection Affidavit from the any other legal heirs.

For Petitioner : Mr.Selvi george

For Respondent : A. Selvendran  
Government Advocate

O R D E R

This writ petition has been filed for the issue of writ of Mandamus directing the respondent to release a sum of Rs.15 lakhs, which is a fixed deposit that stands in the name of the deceased husband of the petitioner, on the strength of the nomination of the petitioner to receive this amount on the demise of her husband.

2. When the matter was taken up for hearing on 05.08.2021, this Court has passed the following order :-

Mr.A.Selvendran, learned Government Advocate appearing



on behalf of the respondent submitted that he will take instructions and report before this Court.

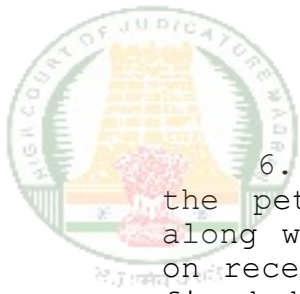
2. The specific case of the petitioner is that she is the wife of the deceased Kalaan and she has been made as the nominee for the fixed deposit standing in the name of her husband and hence, she is entitled to receive the amount from the respondent. The learned Government Advocate shall take instructions from the respondent and if the petitioner is the nominee, the amount has to be handed over to the petitioner and if any other person has any other claim they should independently workout their remedy only before the appropriate court. That cannot be a ground for the amount being denied to be handed over to the petitioner.

3. Post this case under the caption "for orders" on 10.08.2021.

3. Mr. A. Selvendran, learned Government Counsel appearing on behalf of the respondent submitted that as per the Rules, the petitioner has to submit the death certificate and also no objection certificate from the other legal heirs and the same will be considered and the amount will be handed over to the petitioner. The learned counsel submitted that on verification of records, it was found that the petitioner is the nominee of the deceased late Kalaan.

4. The learned counsel for the petitioner submitted that the death certificate is readily available and there is no requirement for getting a no objection certificate from the other legal heirs, since the petitioner is the nominee and she has the right to receive the amount.

5. In the considered view of this Court, wherever the deceased has nominated a person for receiving the benefits, the authority is supposed to hand it over to the nominee by satisfying that the concerned person has died and also satisfying that it is the nominee, who has actually approached in order to receive the benefits. The authorities cannot go into the issue with regard to the rival claims of other legal heirs and it is something to be dealt with only before a competent Court. In law, the nominee receives the benefits and holds it in trust and the nominee is expected to hand over the share to the other legal heirs if they are entitled for the same. If this does not happen, the only option left to the other legal heirs is to approach a competent Civil Court and get their share in the property from the hands of the nominee.



6. In view of the above, there shall be a direction to the petitioner to submit a representation to the respondent along with the death certificate of late Kalaan. The respondent on receipt of the same, shall hand over the amount lying in the fixed deposit to the petitioner. The respondent shall not insist for the no objection letter from the other legal heirs. For whatever amount the petitioner has been made as a nominee, the same shall be handed over to the petitioner. It is made clear that if any other legal heirs are entitled for a share in the fixed deposit and they are not given their share, it is left open to them to agitate their rights in the manner known to law. Just because the amount is handed over to the petitioner in her capacity as a nominee, that will not take away the rights of the other legal heirs to claim a share.

5. This writ petition is disposed of with the above directions. No costs.

Sd/-  
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rka

To

The Secretary,  
Tamil nadu National Engineering Industries,  
Employee's Co-operative Thrift and Credit Society,  
INTUC Bhavan, No.270,  
M.T.H.Road, SIDCO Estate,  
Ambattur,  
Chennai - 600 98

+1cc to Mr.Selvi george, Advocate, S.R.No.39344  
+1cc to the Government Pleader, S.R.No.39753

W.P.No.14909 of 2021

PMK(CO)  
CT 31/08/2021