

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15709 of 2019

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Soghra Khatoon W/o Md. Salim, Resident of Village- Beri, Khiriyawan,
Salaya, P.S. Madanpur, District- Aurangabad.

... .. Petitioner/s

Versus

1. The Union of India , through the Postmaster General Bihar Circle, Patna.
2. The Superintendent of Post Offices, Aurangabad Division, Aurangabad.
3. The Post Master, Nabinagar, Aurangabad, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kedar Yadav, Advocate Mr. Sanjay Kumar Singh, Advocate
For the Respondent/s	:	Mr. S.D. Sanjay, AD SG Mr. Awadhesh Kumar Pandey

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 06-12-2022 Petitioner has prayed for the following relief(s):-

“(i) For issuance of a writ in the nature of a writ of mandamus commanding the respondent authorities especially respondent No.-2 and 3 to make payment of Rs. 2,33,250/- from the Saving A/c No.- 8039863913(old a/c no.-672962), Nabinagar S.O as the petitioner is the wife of Late Md. Salim(account holder) who died on 18.06.2013 but even after lapse of more than 6 years the petitioner has been denied payment of the amount of the aforesaid account pertaining to her late husband in the garb of mandatory submission of succession certificate



otherwise the petitioner has submitted entire documents in support of her entitlement of the aforesaid amount.

(ii) For holding that the succession certificate is not compulsorily required when the petitioner has submitted legal heir certificate issued by the Circle Officer, Madanpur as well as has also submitted NOC of her sons and daughters as well as Indemnity as per list of documents required by the Post Office. Moreover, the identity and entitlement of the petitioner is clear beyond reasonable doubt as she is in possession of PPO issued from the office of Account General(A&E), Bihar, Patna.

(iii) For holding that the petitioner being the wife of the deceased Md. Salim is the legal heir as per Class-1 of schedule of legal heirs as per Hindu Succession Act, 1956 as well as has submitted all the substantiating documents in support of her entitlement then denial by the respondents merely for want of Succession Certificate is sheer misuse of process of law as the petitioner is a 71 years old widow and has no other source of income for discharging her old age obligations and for treatment of her old age diseases.

(iv) For holding that Succession Certificate is not the absolute document



in each and every case more particularly
as per law the legal heir certificate is
equally admissible in cases of settlement
of small amount as in the present matter.
(v) For any other relief/(s) applicable in
the facts and circumstances of the case.”

Learned counsel for the petitioner seeks permission to
withdraw the present petition.

Permission granted.

Present petition stands disposed of as withdrawn.

Interlocutory application(s), if any, shall also stand
disposed of.

(Sanjay Karol, CJ)

(Partha Sarthy, J)

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