

29.03.2022.
Item No. 66
Court No.13
pk

**W.P.A. No. 3038 of 2022
(Through Video Conference)**

**Minor Ms. Srishikha Kar Purkayastha
Versus
State Bank of India & another**

Mr. Biswaroop Bhattacharya,
Mr. Jayanta Sengupta,
Mr. Debabrata Das,
Mr. Saptarshi Mukherjee,
Ms. Mayuri Ghosh,
Mr. Pradyot Kumar Das,
....for the petitioner.

Ms. Debolina Lahiri
...for the respondents.

The writ petitioner seeks direction upon the State Bank of India to allow her to operate a locker being no. 259 with key no. 249 with the State Bank of India, AE Market Branch, Salt Lake that was standing in the name of her deceased mother.

The bank has produced guidelines that were circulated by notice dated 20.01.2022. The said guidelines are stated to have been issued based on a decision of this Court in the case of **Hanuman Prasad Khemka and Another Vs. State Bank of India and Another vide** order dated 03.08.2021.

Mr. Biswaroop Bhattacharya, learned advocate for the petitioner has laboured to place before this Court that the petitioner is the only surviving legal heir of her deceased mother, and that there are absolutely no other claimants, and hence the Writ Court should not hesitate to pass order and the

petitioner should not be compelled to obtain letters of administration/probate/succession certificate.

It is also submitted that large number of other accounts have been allowed to be operated by the petitioner.

This Court is of the view that the requirement of letters of administration/probate/succession certificate specified in the guidelines of the bank are those which are akin to the ones laid down in the law of the land. There is specific legislation enacted by the parliament to regulate passage of property from a deceased to a claimant. A Writ Court in exercise of its equitable jurisdiction, cannot by pass the same and pass orders on emotional considerations.

In that view of the matter, the writ petition is disposed of without any order. Liberty is reserved to the petitioner to apply for appropriate remedies, inter alia, under the Indian Succession Act before the competent court.

(Rajasekhar Mantha, J.)