

07.02.2022

Sl. No. 4

Court No.13

B.M.

WPA 7394 of 2021

Dipyaman Seth

Vs.

Union of India & Ors.

(Via Video Conference)

Mr. P. K. Pakrashi

Mr. P. Das

... for the petitioner

Mr. Bikash Chandra Das

Mr. Debraj Sahu

... for the respondent no.1
(Union of India)

The writ court jurisdiction has been invoked seeking a direction upon the Post Master, Kutighat Post Office, Baranagar, Kolkata-700036, to allow the petitioner to operate joint accounts with his mother, opened by his late father. It is averred at para 2 & 3 that the petitioner was minor at the time when the accounts were opened. The father opened the account jointly with the name of the petitioner and the mother.

The accounts are in the nature of term deposit (TD), Recurring Deposits (RD), National Savings Certificate(NSC), MIS and Saving accounts.

Having heard counsels for the petitioner and perusing the instructions of the respondents, this court finds that the dispute between the petitioner and the private respondent is civil and private in nature. It is indeed true that the account has been maintained with

the Post Office but dispute is essentially with the private respondent and there is no public element involved.

This court is also not otherwise inclined to exercise jurisdiction under Article 226 of the Constitution in view of the incorrect statements made by the petitioner in paragraphs 2 and 3 of the writ petition. The petitioner was around 23-24 years old when the said accounts were opened by his father and not a minor as incorrectly averred.

For the reasons stated above and reserving rights to the petitioner to agitate cause of action before an appropriate civil forum, the writ petition stands dismissed.

The instruction of the learned advocate on behalf of the Union of India and issued by Kutighat Post Office, Baranagar may be kept with the record.

(Rajasekhar Mantha, J.)