

29.06.2022
Sl. No.35
srm

W.P.A. No. 10564 of 2022

Anil Kumar Hota

Versus

The State of West Bengal & Ors.

Mr. Saibal Acharya,
Mr. Kallol Kumar Maity

...for the Petitioner.

Mr. Jahar Dutta,
Mr. Bipin Ghosh

...for the State-respondents.

Mr. P.C. Bhattacharjee

...for the Respondent Nos.5, 6 & 7.

Mr. S.P. Pahari,
Mr. Tapan Kumar Mahapatra

...for the Respondent No.9.

Affidavit-of-service is taken on record.

Mr. Acharya, learned Advocate for the petitioner, submits that the petitioner must be allowed to operate the bank account, and a duplicate passbook and a cheque book be issued to the petitioner. Further prayer is that the petitioner be allowed to withdraw the money from the savings account.

Mr. Bhattacharjee, learned Advocate appearing on behalf of the Mugberia Central Co-operative Bank Ltd. (hereinafter referred to as the Bank), submits that the concerned account is a joint account, under the category of “either or survivor”. According to Mr. Bhattacharjee, both the

parties, namely the petitioner and the respondent No.9 have equal right over the amount accumulated in the said account and to operate the same. The names of both the parties are reflected in the passbook as also in the cheque book.

Upon perusing the records produced by Mr. Bhattacharjee, it appears that the account is a joint account and the names of both the parties appear in the records of the Bank. The cheque book has also been printed in the names of both the parties.

Under such circumstances, neither the Bank nor the Court can pass any orders permitting the petitioner to operate the account on his own and withdraw the money. However, the parties are at liberty to settle the dispute and approach the Bank with necessary request and accordingly the Bank will decide such request, if made, independently.

The writ petition is, thus, disposed of.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)