



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2022

CORAM :

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

Writ Petition No.12754 of 2012

G.Natarajan

... Petitioner

-Vs-

1. The Union Of India,
Rep. By its Secretary,
The Ministry Of Communication
And Information Technology,
The Department of Posts,
New Delhi-110 001.

2. The Post Master,
Tambaram Head Post Office,
Chennai-600 045.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the Order No. No/ MIS Claim/ 11-12/ dtd @ Tambaram the 12.7.2011 (dated) and quash the same and directing the 2nd Respondent to refund the deposited amount of Rs.2,00,000/- with pending interest of the Account No.82082 of the Petitioner's deceased wife N.Susila to the petitioner.

For Petitioner : Mr. K.Gnanasundaram

For Respondents : Mr. A.Veeramani, CGC

O R D E R

Petitioner's wife deposited a sum of Rs.2,00,000/- (Rupees two lakhs only) with the 2nd Respondent. She died on 06.11.2007 without making any nomination to the deposit made by her. The petitioner and his two sons are the legal heirs of the deceased depositor and they produced Legal Heir Certificate, Death Certificate and all other required documents and sought for disbursal of the deposited amount.



2. However, the 2nd Respondent had insisted on production of a Succession Certificate as per Rule 87 of Post Office Savings Bank Manual for settling the claim of the deceased person. As per the above Rule for the deposit exceeding Rs.1 lakh, production of Succession Certificate from the competent Court of Law is mandatory. It appears that she has deposited 2 lakhs, the legal position is admitted by the petitioner also. However, for the failure of the Post Office for not recording the nominee, it is claimed that they shall not be put to hardship.

3. Be that as it may, the Rule mandates that for disbursement of the deposit made by the deceased person, succession certificate is mandatory. In that event, it is the bounden duty of the claimant to produce the succession certificate. Court cannot direct the respondent to do an Act in violation of the Rules. Therefore, the Petitioner has to approach the competent Civil Court for getting Succession Certificate and get the disbursement of the money.

4. Accordingly,

(a) the Petitioner is given liberty to approach the competent Civil Court to get a succession certificate for the purpose of withdrawing the money deposited with the 2nd Respondent along with accrued interest.

(b) the time spent on this Writ Petition stands excluded for the purpose of limitation.

(c) On production of Succession Certificate, 2nd Respondent is directed to disburse the money without any delay.

5. The writ petition is disposed of with the above observations. There shall be no order as to costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR



sha/kpr

To

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1. The Secretary
Union Of India,
The Ministry Of Communication
And Information Technology,
The Department of Posts,
New Delhi-110 001.
2. The Post Master,
Tambaram Head Post Office,
Chennai-600 045.

+1cc to M/s.K.Gnanasundaram, Advocate Sr.24626

W.P.No.12754 of 2012

kj[col]
srg 30/05/2022