



W.P.(MD)No.1318 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.11.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P. (MD) No.1318 of 2022

M.Meenakshi

... Petitioner

Vs.

The Manager,
Canara Bank,
Usilai Road,
Thirumangalam-625 706.

... Respondent

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondent to permit the petitioner to operate the locker number 34 at the respondent bank in the name of deceased B.Chandra Prabha and transact the same including closure.

For Petitioner	:	Mr.N.Vallinayagam
For Respondent	:	Mr.Karthick Standing Counsel

ORDER

This Writ Petition has been filed to direct the respondent to permit the petitioner to operate the locker number 34 at the respondent bank standing in the name of the deceased, B.Chandra Prabha and transact the same including



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2.The petitioner is the sister of the deceased, namely B.Chandrapraba.

During her life time, she had availed safe deposit locker facility in Locker No. 34 at Canara Bank, Thirumangalam Branch. She had nominated the petitioner as her nominee. She had no issues and her husband also predeceased her. Hence, the petitioner submitted a representation, dated 05.01.2022 seeking to operate the said locker. Since the respondent has not responded to the representation followed by the reminder, the petitioner has filed the present writ petition.

3. The learned counsel for the petitioner submitted that the deceased sister of the petitioner had nominated only the petitioner to operate the said account after her, as she had no issues. Hence, he prays for allowing this writ petition.

4.The learned standing counsel for the respondent Bank submitted that objections had been filed by the children of the another sister of Chandrapraba stating that they are the second class legal representatives of the said Chandrapraba and they are only entitled to operate the said locker. Further, the children of the another sister of Chandrapraba are also going to file a suit regarding the legal heirship. Hence, the claim of the petitioner cannot be considered by the respondent bank at this time, unless and until the succession or legal heir certificate is produced.



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5. Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent and also perused the materials placed before this Court.

6. It is seen that the deceased Chandrapraba has no issues and her husband also predeceased her. Now the present claim is made by one sister/petitioner herein and the children of another sister. Further, the deceased Chandrapraba had made the petitioner as her nominee. This Court is of the view that the right of the petitioner and the rival parties cannot be decided in this petition.

7. For the reasons stated above, this Court directs the parties, who are claiming right over the property of the deceased Chandrapraba, are directed to approach the revenue authorities seeking legal heirship and succession certificates from the competent civil Court as rightly directed by the respondent bank. Till such time, there should not be any transaction in the account and the locker of the deceased Chandrapraba. Without any valid document to prove the claim of legal heirs and successors, the respondent Bank shall not entertain such claim in favour of any parties.



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8.This Writ Petition is disposed of in the aforesaid terms. No costs.

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Index : Yes/No
Internet : Yes/No
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To

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V.BHAVANI SUBBAROYAN, J.

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