



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.03.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.5869 of 2022

K.Balaji

... Petitioner

/Vs./

The Manager,
Canara Bank Main Branch,
Lakshmi Nivas,
Keelarajaveethi,
Pudukkottai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent to unlock the locker maintained by the petitioner's grandfather, Kandhasamy in Locker No.122/9 in the respondent's branch in the presence of his legal heirs and to hand over the Will executed by him to the person, in whose favour it was executed, by considering the petitioner's representation dated 07.03.2022.

For Petitioner	: Mr.A.Balaji
For Respondent	: Mr.Pethu Rajesh
	Standing Counsel

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondent to unlock the locker maintained by the petitioner's grandfather, Kandhasamy in Locker No.122/9 in the respondent's branch in the presence of his legal heirs and to hand over the Will executed by him to the person, in whose favour it was executed, by considering the petitioner's representation dated 07.03.2022, within a time frame to be fixed by this Court.

2.The case of the petitioner is that his grandfather, Kandhasamy is having locker in the respondent's bank bearing Locker No/122/9. According to him, inside the locker, there is a will executed by his grandfather. His grandfather died on 13.05.2021. The respondent is not permitting the petitioner, who is having the keys of the locker to operate the locker. In such circumstances, he has given a representation on 07.03.2022 requesting the respondent to unlock the locker maintained by the petitioner's grandfather, Kandhasamy in Locker No.122/9 with the respondent's branch in the presence of his legal heirs and to hand over the Will executed by him to the person, in whose favour it was executed. Since the said representation has not been considered, this writ



petition has been filed.

3. Heard Mr.A.Balaji, learned Counsel for the writ petitioner and Mr.Pethu Rajesh, learned Standing Counsel, who accepts notice on behalf of the respondent.

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4. The learned Standing Counsel appearing on behalf of the respondent, on instructions would submit that only the legal heirs of the deceased Kandhasamy can approach the bank to unlock the locker and seek for its operation. The petitioner, who claims to be the grandson of the deceased Kandhasamy cannot be permitted to operate the locker. The said statement is recorded.

5. It is further contended by the learned counsel appearing for the petitioner that the respondent can consider the petitioner's representation, after affording an opportunity of fair hearing to the petitioner and all the legal heirs of the deceased Kandhasamy and thereafter, the respondent can decide as to whether the locker can be unlocked in the presence of the legal heirs or not. He would also contend that there is a Will inside the locker, which was executed by the petitioner's grandfather and the keys of the locker are also available only with the petitioner. Only in those circumstances, the petitioner has sought for unlocking the locker maintained by his grandfather.

6. No prejudice would be caused to the respondent, if the representation of the petitioner is considered on merits and in accordance with law, after affording a fair hearing to the petitioner, who claims that he is in possession of the keys of the locker and all the legal heirs of the deceased Kandhasamy, who was maintaining the locker No.122/9.

7. The petitioner has also filed the legal heirship certificate of the deceased Kandhasamy, along with this writ petition, which reveals that the deceased has left behind five legal heirs, namely his wife, three daughters and one son. The petitioner is one of the legal heirs of the deceased Kandhasamy.

8. For the foregoing reasons, this Court directs the petitioner to furnish the correct address of the respective legal heirs of the deceased Kandhasamy to the respondent Bank, within a period of one [1] week from the date of receipt of a copy of this order and on receipt of the same, the respondent is directed to consider the petitioner's representation dated 07.03.2022 requesting the respondent to unlock the locker maintained by the petitioner's grandfather, Kandhasamy in Locker No.122/9 with the respondent's branch in the presence of his legal heirs and to hand over the Will executed by him to the person, in whose favour it was executed and pass orders on merits and in accordance with law, after affording a fair hearing to the petitioner and all the legal heirs of the



deceased Kandhasamy, as disclosed in the legal heirship certificate dated 07.06.2021, within a period of four [4] months thereafter.

9. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

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Sd/-

Assistant Registrar (R)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

The Manager,
Canara Bank Main Branch,
Lakshmi Nivas,
Keelarajaveethi,
Pudukkottai.

Copy to

K.Balaji,
S/o. Kumaravel,
D.No.19/10, Ganesh Nagar,
3rd Street, Pudukkottai Town,
Pudukkottai District.

+1 CC to M/s.P.PETHU RAJESH, Advocate (SR-15792[F] dated 31/03/2022)

order made in

W.P. [MD]No.5869 of 2022

Dated:

31.03.2022

PA(13.04.2022) 3P 4C