



W.P.(MD)No.7853 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.7853 2017

B.Periya Rajkumar

... Petitioner

Vs.

1. The Branch Manager / Authorized Officer,
A.331, Palani Co-operative Urban Bank Limited,
Palani,
Dindigul District.

2. Pooranam

3. Selvamani

... Respondents

(Respondents 2 and 3 impleaded vide Court order dated 29.08.2022 in W.M.P.(MD) No.17186 of 2017 in W.P.(MD)No.7853 of 2017 by GRSJ)

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the first respondent to disburse the matured amount of Rs.1,79,300/- to the petitioner deposited in Account No.33300030039684 and Account No.33300030039685 with the



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respondent Bank by considering the petitioner's representation dated 26.08.2016.

For Petitioner : Mr.N.Mohan

For Respondents : Mr.D.Shanmugaraja Sethupathy
Standing Counsel for R1
Mr.D.Venkatesh for R2 and R3

O R D E R

Heard the learned counsel on either side.

2. One Raju had deposited amount by way of fixed deposit in the first respondent Bank. The petitioner appears to have been shown as a nominee. For directing the bank to disburse the deposited amount to the writ petitioner, this Writ Petition has been filed.

3. When the matter was taken up for hearing, one Pooranam claiming to be the wife of the deceased Raju sought to implead herself to oppose the writ prayer. The writ petitioner is not a blood relation or a legal heir of the deceased Raju. He claims to be a friend. Of course, before me, a different version is projected.



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4. It is well settled that the nominee cannot retain the death benefits. It has to be distributed only among the legal heirs. At the same time, the Bank cannot hand over money except to the nominee. Since consensus could not be arrived at between the parties herein, I choose the easier option of holding that Writ Petition against a Co-operative Bank is not maintainable. The parties are liberty to work out their rights in the manner known to law before the Jurisdictional civil Court or any other forum.

5. Leaving open the other rights and remedies to the writ petitioner, this Writ Petition is disposed of. No costs.

30.08.2022

Index : Yes / No

Speaking Order : Yes / No

vji

To

The Branch Manager / Authorized Officer,
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Palani, Dindigul District.



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G.R.SWAMINATHAN, J.

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