



W.P.(MD)No.26815 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 29.11.2022

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THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.26815 of 2022

P.Sivalingam

.. Petitioner

Versus

The Branch Manager,
Indian Overseas Bank,
District Court Complex,
Madurai District.

.. Respondent

Prayer:-Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent to withdraw the amount lying in the account i.e. A/c.No.186704000003879, by considering the petitioner's representation, dated 08.11.2022, forthwith.

For Petitioner : Mr.R.Anand

For Respondent : Mr.N.Dilipkumar
Standing Counsel

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the respondent to withdraw the amount lying in the account i.e. A/c.No. 186704000003879, by considering his representation, dated 08.11.2022, forthwith.



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2. Heard Mr.R.Anand, learned counsel appearing for the petitioner and Mr.N.Dilipkumar, learned Standing Counsel, who takes notice for the respondent. By consent of the learned counsel appearing for the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. According to the learned counsel for the petitioner, the petitioner's father passed away on 30.01.2017, leaving behind the petitioner, his two sisters and mother. After the demise of the petitioner's father, the petitioner's mother decided to sell a family property to one Venkatesan. Since during such proposal, the petitioner was a minor, for obtaining permission to sell the property, the petitioner's mother has resorted to file a petition before the learned I Additional District Judge, Madurai, in H.M.G.O.P.No.6 of 2017, wherein, the learned I Additional District Judge, vide order dated 06.02.2018, while allowing the sale to go on, has directed the petitioner's mother to deposit 1/5th share of the petitioner, namely, Rs.2,67,300/- in a Nationalized Bank in the name of the Principal District Judge, Madurai, in favour of the petitioner and permitted the petitioner's mother to withdraw the interest once in three months. After attaining majority, the petitioner's mother filed I.A.Nos.142 and 143 of 2022 to accept her relinquishment of guardianship over the petitioner and to declare the petitioner as major. The learned Judge after considering the petitioner's birth certificate, allowed both the applications on 02.08.2022.



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Thereafter, the petitioner approached the respondent/Bank on many occasions and requested them to allow him to withdraw the amount deposited in H.M.G.O.P.No.6 of 2017, dated 06.02.2018. Despite the petitioner's repeated requests and even after receipt of his representation, dated 08.11.2022, the respondent has not come forward to consider the petitioner's case. Hence, the petitioner has filed the present Writ Petition for the relief stated supra.

4. The learned Standing Counsel appearing for the respondent submitted that the petitioner's representation, dated 08.11.2022, would be considered and appropriate orders would be passed within a time frame to be fixed by this Court.

5. Recording the aforesaid submission made by the learned Standing Counsel appearing for the respondent, this Court, without going into the merits of the case, directs the respondent to consider the representation of the petitioner, dated 08.11.2022, and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6. This Writ Petition stands disposed of with the above direction. No costs.



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To

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V.BHAVANI SUBBAROYAN, J.

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Order made in
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29.11.2022