



WEB COPY



W.P.No.11395 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.No.11395 of 2023

Jessima Roshan

... Petitioner

Vs.

Central Public Information Officer,
& Regional Manager
State Bank of India
Regional Business Office,
RBO-I, Chennai Metro (14751)
Chennai North Zone,
231, 5th Floor, NSC, Bose Road,
Chennai-600 001.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to quash the impugned letter dated 24.01.2023 issued by the respondent's Bank and direct the respondent to furnish Bank Balance letter of the deceased Ajmal Khan Abdul Rahim (Ajmal Khan Abdul Rahim-NRE ACCOUNT NO.00000032176595964) to the petitioner to enable the petitioner to file Succession Certificate before the Competent Court.

For Petitioner : M/s.J.Feroz Khan



W.P.No.11395 of 2023

WEB COPY

ORDER

This Writ Petition has been filed assailing the impugned order of the respondent and for a consequential direction to the respondent to furnish the information to the petitioner with regard to the balance lying in the account of the deceased Ajmal Khan Abdul Rahim so as to enable the petitioner to file succession certificate before the competent court.

2. The petitioner herein claims to be the sister of one late Ajmal Khan Abdul Rahim, who is alleged to have been deposited a huge amount in the respondent bank. After the demise of the petitioner's brother, on 23.05.2015, a letter was issued by the respondent bank informing the amount lying in the account of the deceased. The petitioner claiming to be the sole legal heir of the deceased, has sent a letter dated 20.12.2022 to the respondent under the Right to Information Act seeking information with regard to the balance lying in the account of her deceased brother. Pursuant to the said letter, the present impugned order dated 24.01.2023 has been passed rejecting the claim of the petitioner holding that the information sought for could be furnished only on submission of the legal heirship certificate in respect of the deceased. Challenging the same, this Writ Petition has been filed.



W.P.No.11395 of 2023

3. Learned counsel for the petitioner submits that though the petitioner has submitted the legal heirship certificate and the death certificate in respect of the deceased along with the requisition letter, the respondent has failed to consider the same. Failure on the part of the respondent to verify the particulars submitted by the petitioner cannot be put against the petitioner and it is the duty of the respondent to have verified all the relevant documents produced by petitioner before the passing the impugned order. Hence, the said order needs interference of this Court.

4. A perusal of the impugned order reveals that the petitioner's claim has been rejected on the ground that there is a bar under Section 8(1) e and 8(1) j of the Right to Information Act, 2005 for providing 3rd party information except to the legal heir of the deceased. However, the petitioner claims to be the legal heir of the deceased and has submitted the legal heirship certificate, which is disputed by the respondent. There being a dispute with regard to the legal heir certificate submitted by the petitioner, the issue cannot be entertained under Article 226 of the Constitution.. The petitioner has to approach the appropriate forum to have her grievance redressed. Hence the prayer sought for in this Writ Petition cannot be granted.



W.P.No.11395 of 2023

WEB COPY

5. Accordingly, this Writ Petition stands dismissed. However, liberty is granted to the petitioner to work out her remedy in the manner known to law. There shall be no order as to costs.

13.04.2023

Index : Yes / No
Speaking order / Non speaking order
Netrual Citation Case : Yes / No
NHS

To

Central Public Information Officer,
& Regional Manager
State Bank of India
Regional Business Office,
RBO-I, Chennai Metro (14751)
Chennai North Zone,
231, 5th Floor, NSC, Bose Road,
Chennai-600 001.



WEB COPY



W.P.No.11395 of 2023



WEB COPY



W.P.No.11395 of 2023

M. DHANDAPANI, J

NHS

W.P.No.11395 of 2023

13.04.2023