



W.P.No.13790 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.13790 of 2023 and
WMP No. 13461 of 2023**

- 1 Regina Fathima Marie Saint Jacques
- 2 Ginette Brigitte Kamala Saint Jacques
- 3 Catherine Germaine Solange Saint Jacques
Represented through L. Muruganantham ... Petitioners

Vs

- 1 Union of India,
Represented by
Its secretary (Home)
Government of Pondicherry,
Pondicherry.
- 2 The Deputy collector (North)
O/o the Collectorate,
(competent Authority under PPDFE Act)
Pondicherry.
- 3 M/s PNL Nidhi Ltd.,
Mission street, Pondicherry.
- 4 The Superintendent of Police (CID)
O/o of the CBCID Police,
Pondicherry.



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5 The Hon'ble Administrator,
(The Hon'ble Justice Mala),
M/s PNL Nidhi Ltd.,
Jawahar Nagar, Puducherry.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the 5th Respondent not to insist on the original receipts for the investment amount made by late Saint Jacques Antoine and pass payment order based on the report / details submitted by the Respondents 2 and 3 and to release in favour of his legal heirs 1) Regina Fathima Marie Saint Jacques 2) Ginette Brigitte Kamala saint Jacques and 3) Catherine Germaine Solange Saint Jacques, by way of fixed deposit / demand draft / Payers cheque in anyone Nationalized Bank.

For Petitioners : Mr.G.Prabhakar

For Respondents : Mr.Sridharan
Additional Government Pleader
(Puducherry)

ORDER

By consent of both parties, the Writ Petition is taken up for final hearing at the admission stage itself.

2. This petition has been filed seeking a direction to the 5th Respondent not to insist on the original receipts for the investment amount



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made by late Saint Jacques Antoine and pass payment order based on the report / details submitted by the Respondents 2 and 3 and to release in favour of his legal heirs 1) Regina Fathima Marie Saint Jacques 2) Ginette Brigitte Kamala saint Jacques and 3) Catherine Germaine Solange Saint Jacques, by way of fixed deposit / demand draft / Payers cheque in anyone Nationalized Bank.

3. The case of the petitioners is that their father had invested a huge money for more than 5 crores in the 3rd respondent financial institution. Thereafter, he was murdered by the accused in order to grab his property and valuables and articles. Due to the above said murder, the legal heirs could not proceed immediately out of fear. In the month of February-2023, the petitioner requested the respondents 3 & 5 to collect the details of deposits and also to ascertain the value of investments made by the petitioner's father , in turn, the Administrator's office orally informed the petitioners that as per the statement of accounts a sum of Rs.3,80,00,000/- is lying in the above said account of the deceased. Thereafter, the petitioners made representations to the respondents to disburse the amount which was deposited by the petitioners' father. Since the same is not considered and



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hence, the present writ petition has filed.

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4. The learned counsel for the petitioner submitted that in similar situation, this Court passed an order in W.P.No.4722 of 2016, dated 03.01.2023 issued a direction to the persons who have lost the original records and the relevant portion of the order is extracted hereunder:

"3. Loss of original deposit receipts

Direction : Applications for refunds where the original records are lost and thus unavailable, be processed in line with banking norms prescribed by the Reserve Bank of India. Suitable verification be effected including in the Company records. Sufficient indemnity be taken from the deposit/cheque holders concerned before processing and settling the claim."

The above said order will be applicable in the present case also. Therefore, this Court may direct the 5th respondent to disburse the amount in favour of the petitioners within the stipulated time as fixed by this Court.

5. The learned Additional Government Pleader appearing on behalf of the respondents have not raised any objection in this regard.



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6. Heard the learned counsel on either side and perused the materials available on record.

7. Considering the facts and circumstances of the case and the similar issued has already decided by this Court, this Court directs the 5th respondent to consider the representations of the petitioners' dated 10.04.2023 and pass appropriate orders in terms of the order passed by this Court in W.P.No.4722 of 2016 dated 03.01.2023 as stated supra within a period of six weeks from the date of receipt of a copy of this order.

8. With the above direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

28.04.2023

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

M.DHANDAPANI,J.



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