



W.P(MD)No.1378 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1378 of 2023

M.Kasi Viswanathan

... Petitioner

Vs.

1.The Branch Manager,
Indian Overseas Bank,
Keelachevalpatti Branch,
Sivagangai District.

2.P.Indhira

3.Jai Ganesh

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to open the Bank Locker No. 269 maintained at the 1st respondents branch and jointly operated by the petitioner and the 2nd and 3rd respondent by taking into account the petitioners representation dated 01.11.2022 within a time frame as fixed by this Court.



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For Petitioner : Mr.A.Rajini

For Respondents : Mr.N.Dilipkumar,
Standing Counsel for R1.

ORDER

Heard the learned counsel for the writ petitioner and the learned standing counsel for the first respondent bank.

2.The petitioner is having an account with the first respondent bank. He is also maintaining a locker. The locker stands in the names of the writ petitioner, his son/Jai Ganesh and his wife/P.Indhira. It appears that the relationship between the petitioner's son and the daughter-in-law has come under strain. The petitioner's son has filed H.M.O.P.No.133 of 2021 before the learned Sub Court, Chengalpattu for dissolving his marriage. The daughter-in-law is said to have filed transfer miscellaneous petition and obtained interim order of stay of the H.M.O.P. proceedings. The petitioner's wife is said to be seriously ill. In view of the strained relationship between the petitioner's son and the petitioner's daughter-in-law, the petitioner is not able to operate the locker. The petitioner is urgently in need of accessing the contents of the locker. Left with no other option, the present writ petition has been filed.



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3.I am clearly of the view that the writ petition is not maintainable. To resolve private disputes, the jurisdiction of this Court cannot be invoked.

However, taking into account the special circumstances pleaded by the learned counsel for the petitioner, I direct the first respondent to issue notice to all the three persons in whose name the petition mentioned locker is standing so as to find a way out of the impasse. The first respondent shall issue such a notice within seven days from the date of receipt of copy of this order to all the concerned parties.

4.The writ petition is disposed of accordingly. No costs.

25.01.2023

NCS : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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