



W.P.(MD)No.19526 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 15.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.19526 of 2021

Vijay Anand

... Petitioner

vs.

1.The Zonal Manager,
Canara Bank,
St.Mary's Church Campus,
Keela Veedhi, Madurai – 625 001.

2.The Branch Manager,
Canara Bank (Syndicate),
Yadava Women's College Campus,
Pudu Natham Road,
Thiruppalai, Madurai.

3.M.Mekalammal

4.M.Anand

5.M.Sumathi

6.M.Geetha

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd Respondent to permit the petitioner to open the bank locker vide Account No 62082200017818 of the deceased Mookkasamy in the capacity of nominee which was appointed by the deceased Mookkasamy based on the representation dated 22.07.2021.



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For Petitioner :Mr.V.Selvakumar
For R1 and R2 :Mr.P.Pethurajesh
For R3 to R5 :Mr.S.Rajasekar

ORDER

This Writ Petition has been filed for the issue of Writ of Mandamus directing the second respondent to permit the petitioner to open the bank locker maintained in the name of deceased Mookkasamy by considering the representation dated 22.07.2021.

2.Heard Mr.V.Selvakumar, learned Counsel appearing on behalf of the petitioner, Mr.P.Pethu Rajesh, learned Counsel appearing on behalf of the respondents 1 and 2 and Mr.S.Rajasekar, learned Counsel appearing on behalf of the respondents 3 to 5.

3.The learned Counsel for the respondent bank submitted that there is a dispute between the petitioner and the private respondents and therefore, the bank was not willing to accede to the request made by the petitioner. The learned Counsel further submitted that if any direction issued by this Court, it will be complied with by the respondent Bank.



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4. There is a serious dispute between the petitioner and the private respondents and the same can only be resolved before the competent Civil Court. If any such proceedings are initiated, the Civil Court has sufficient power to order for opening the bank locker and taking the inventory of the articles, that are available in the bank locker. If such procedure is adopted, the bank also will not have any problem in opening the bank locker. Hence, it is made clear that it will be left open to the petitioner to resolve the dispute before the competent Civil Court and work out his remedy in accordance with law.

5. This Writ Petition is disposed of in the above terms. No costs.

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

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N.ANAND VENKATESH, J.

cmr

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