



W.P.(MD)No.19576 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.19576 of 2021

Ramkumar

... Petitioner

vs.

1.The General Manager,
Head Office Indian Bank,
No.66, Rajaji Road, Chennai.

2.The Branch Manager,
Indian Bank, Crawford Branch,
Trichy.

3.Arun

... Respondents

(R3 was impleaded vide order of this Court dated 15.11.2023 in W.M.P.
(MD)No.18107 of 2021)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to break open the safety locker bearing number 991426542 based on the petitioner representation dated 17.09.2021 within a time stipulated by this Court.



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For Petitioner :Mr.A.Uthayakumar
For R1 and R2 :Mr.R.Pandivel

ORDER

This Writ Petition has been filed for the issue of Writ of Mandamus directing the second respondent Bank to act upon the representation made by the petitioner on 17.09.2021, wherein, the petitioner is seeking for break open of the safety locker that stood in the name of his grandfather, Manickam.

2.Heard Mr.A.Uthayakumar, learned Counsel appearing on behalf of the petitioner and Mr.R.Pandivel, learned Counsel appearing on behalf of the respondents 1 and 2.

3.The learned Counsel appearing for the respondent bank submitted that there is a rival claim made by the impleaded third respondent and hence, the respondent Bank is not in a position to open the safety locker and hand over the articles to the petitioner. The learned Counsel submitted that even though the petitioner is the nominee, the petitioner cannot be allowed to take away the valuable articles in the



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light of the objections made by the impleaded third respondent.

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4.In the light of the submissions made by the learned Counsel for the second respondent Bank, the petitioner has to necessarily approach the second respondent along with all other legal heirs and seek for opening of the bank locker and to take the articles. If on the other hand, the legal heirs are not cooperating with the petitioner, the petitioner has to approach the competent Civil Court and seek for the remedy. If such remedy is resorted, the respondent Bank can act upon the direction issued by the Civil Court in that regard.

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.

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