



**W.P.(MD).Nos.28357 and 28361 of 2022**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 27.01.2023**

**CORAM**

**THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN**

**W.P.(MD).Nos.28357 and 28361 of 2022**

**W.P.(MD).No.28357 of 2022**

1.M.Sugumaran

2.M.Mangaleswari

3.G.Muthu

4.J.Ramathilagam

... Petitioners

**Vs.**

1.The Registrar of Co-operative Society,  
170 EVR Periyar Main Road,  
NVN Building,  
Kilpauk,  
Chennai.

2.The Joint Registrar/Managing Director,  
Sivagangai District Central Co-operative Bank Limited,  
Sivagangai.

3.The Branch Manager,  
Sivagangai District Central Co-operative Bank Limited,  
Thiruppuvanam Branch,  
Thiruppuvanam,  
Sivagangai District.



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4.M.Karunakaran

5.M.Manoharan

...Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent No.2 and 3 to settle the tune of Rs.29,40,168/- in Account number 209014698 deposited by Late.Muthuraman son of Narayanathevar with interest to the petitioners and Respondent No.4 and 5.

|                 |                                                          |
|-----------------|----------------------------------------------------------|
| For Petitioners | : Mr.R.Venkatesan                                        |
| For R-1         | : Mr.SRA.Ramachandran,<br>Additional Government Pleader. |
| For R-2 and R-3 | : Mr.D.Shanmugaraja Sethupathy                           |
| For R-4 and R-5 | : Mr.T.C.S.Thillainayagam                                |

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1.M.Sugumaran

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... Petitioners

**Vs.**

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



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2.M.Karunakaran

3.M.Manoharan

...Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent No.1 to settle the tune of Rs.2,40,000/- in Account number 052801000008867 deposited by Late.Muthuraman son of Narayanathevar with interest to the petitioners and Respondent No.2 and 3.

|                 |                           |
|-----------------|---------------------------|
| For Petitioners | : Mr.R.Venkatesan         |
| For R-1         | : Mr.N.Dilipkumar         |
| For R-2 and R-3 | : Mr.T.C.S.Thillainayagam |

### **COMMON ORDER**

Heard the learned counsel on either side.

2. The writ petitioners as well as the private respondents are the children born to one Muthuraman. The said Muthuraman had deposited amounts in Thiruppuvanam Branch of Indian Overseas Bank as well as Sivagangai District Central Co-operative Bank Limited. Mr.Muthuraman is now no more. There is no consensus among the children. In view of the dispute between the children, the banks have also not disbursed the amount in question. That has led to the filing of this Writ Petition. Such an issue cannot be resolved here. The



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petitioners have to necessary file Succession Original Petition before the jurisdictional Civil Court. In the said Succession Original Petition, the petitioners can array not only the Branch Manager of Indian Overseas Bank, Thiruppuvanam Branch, but also the Branch Manager of Sivagangai District Central Co-operative Bank Limited, Thiruppuvanam Branch. Based on the direction to be issued by the jurisdictional Civil Court in the form of succession certificate, the banks concerned will disburse the amount in question. If any such Succession Original Petition is filed, it shall be disposed of on merits and in accordance with law within a period of eight (8) months thereafter.

3. The Writ Petitions are disposed of accordingly. There shall be no order as to costs.

**27.01.2023**

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



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To

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Sivagangai.
3. The Branch Manager,  
Sivagangai District Central Co-operative Bank Limited,  
Thiruppuvanam Branch,  
Thiruppuvanam,  
Sivagangai District.
4. The Branch Manager,  
Indian Overseas Bank,  
Thiruppuvanam Branch,  
Thiruppuvanam,  
Sivagangai District.



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**G.R.SWAMINATHAN, J.**

Lm

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