

AD-10
Ct No.09
23.04.2024
TN

WPA No. 4158 of 2024

Santosh Panda
Vs.
The State of West Bengal and others

Mr. Bhaskar Chandra Manna
.... for the petitioner

Ms. Jayeeta Sinha,
Mr. Ranjit Rajak
.... for the State

Mr. D.K. Sengupta,
Ms. Sweta Saha,
Ms. Farhin Mustaque
.... for the respondent no.3

1. The petitioner is one of the legal heirs of his deceased mother Smt. Gita Panda.
2. An account stood in the name of the said Gita Panda (since deceased) with the respondent-bank. On the demise of the account holder, the petitioner solely approached the bank for release of the amount lying in the account in favour of the petitioner. The bank initially dilly-dallied on the representation, upon which a direction was given by a coordinate Bench to consider the representation of the petitioner. The bank accordingly decided the representation and passed a reasoned order which is the subject-matter of challenge herein.
3. The bank, in the impugned order, has proceeded on the premise that there are as many as six legal heirs of the deceased Gita Panda, including the petitioner. The other legal heirs have specifically objected to the

release of the amount in favour of the petitioner alone since the petitioner does not have the intention to distribute the money among the other legal heirs.

4. Learned counsel for the petitioner contends that as per the banking norms, it is the nominee who is the receiving hand and, as such, the bank could not adjudicate on the rights of the legal heirs.
5. Learned counsel for the bank justifies the action of the bank on the equitable ground that the petitioner has expressed intention to defeat the rights of the other legal heirs.
6. Although the action of the bank in passing the impugned order was fully *bona fide*, inasmuch as the bank took into account the contentions of the other legal heirs and, in view of the express intention of the petitioner to keep the amount to himself, refused to disburse the amount solely to the petitioner, the said action is not sanctioned by law. Banking regulations and norms require that the amount lying in the account of a deceased have to be released in favour of the nominee.
7. The bank was fully justified in observing that the nominee is merely the receiving hands and not the sole owner of the entire amount. However, be that as it may, neither the bank nor the writ court has the option to adjudicate on the civil rights of parties. Although all the legal heirs of the deceased account holder might have right to the money lying in the account of their

predecessor-in-interest, it is solely the nominee who is to be the receiving hands as per the banking norms, for which the bank is duty-bound to release the amount in favour of the sole nominee, that is, the petitioner.

- 8.** Insofar as the adjudication of rights of the heirs is concerned, it is always open to the other legal heirs of the deceased account holder to approach the competent civil court to stake their claims in the said money.
- 9.** It is also well-settled that mere nomination does not entitle a person exclusively to money lying in the account of the deceased account holder.
- 10.** Be that as it may, this court and the bank are helpless insofar as the question of adjudication of civil rights are concerned. The said prerogative lies with the competent civil court if approached by the other legal heirs.
- 11.** Accordingly, WPA No. 4158 of 2024 is allowed on contest, thereby directing the respondent-bank to release the amount lying in the account of the deceased account holder Gita Panda in favour of the sole nominee, that is, the petitioner, only after being fully satisfied that the petitioner was actually mentioned as the sole nominee in the account and that banking norms otherwise permit disbursement of the amount in favour of the writ petitioner as the sole nominee. Such amount shall be disbursed in favour of the petitioner/nominee within a fortnight from date

subject, however, to the entitlement of the other legal heirs of the deceased account holder to claim their shares out of the said money from the petitioner. If so approached, the petitioner shall be duty-bound to distribute the shares of the other legal heirs of the deceased account holder to them at the earliest. In default, appropriate steps may be taken by the said other legal heirs before a competent civil court.

- 12.** There will be no order as to costs.
- 13.** Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)