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11.11.2024
Ct. 14
AGM

**In The High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 23463 of 2024

**Subhajit Das & Anr.
-versus
State Bank of India & Ors.**

**Mr. Anindya Bose.
Ms. Ruma Das Maity.
...For the Petitioners.**

**Mr. Subrata Kumar Sinha.
...For the respondent nos. 1 to 3.**

1. Affidavit-of-service filed by the petitioner is retained with the records.
2. The petitioner no. 1 is a mentally retarded person. The petitioner no. 2 claims to act on behalf of the petitioner allegedly as per desire of the father of the petitioner no. 1, since deceased.
3. The father of the petitioner no. 1 was a pensioner and when he was alive, it is claimed that, he made a declaration that the petitioner no. 2 who is very close and reliable shall act as representative of his son, the petitioner no. 1, only for drawing the pension.
4. Presently, the petitioner no. 2 intends to withdraw the fixed deposits of the bank which are in the name of the father of the petitioner no.1.
5. Prayer has been made to permit the petitioner no. 2 to encash the fixed deposits standing in the name of the deceased father of the petitioner no. 1.

6. Learned advocate representing the bank relies upon the Circular of the Reserve Bank of India dated 13th January, 2024 which mentions that the National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999 empowers the Local Level Committee to appoint a guardian to a person with disabilities, who shall have the care of the person and property of the disabled person.
7. Learned advocate representing the petitioners also relies upon the Mental Health Care Act, 1987 and the aforesaid Act of 1999.
8. It will be open for the petitioners to approach the appropriate forum in accordance with law for remedy.
9. The writ petition stands disposed of.
10. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)