



W.P.No.17073 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.17073 of 2022

Fathima (Minor Daughter)
Represented by her Guardian,
Usha

... Petitioner

Vs

1. The District Collector,
Thiruvannamalai District.
2. The Thasildhar,
Thandrampet Taluk,
Thiruvannamalai District.
3. The Village Administrative Officer,
Mothakkal Village,
Thiruvannamalai District.
4. The Regional Manager,
Indian Bank,
No.254-260, Avvai Shanmugam Salai,
Rayapettai,
Chennai – 600 014.
5. The Zonal Manager,
Indian Bank Zonal Office,
BSNL Buildings,
Vellore Road, Thiruvannamalai – 606 601.
6. The Branch Manager,



W.P.No.17073 of 2022

Indian Bank,
Mothakkal Branch,
Thandrampet Taluk.
Thiruvannamalai District.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the sixth respondent to consider the petitioner's representation dated 29.09.2021 and further direct the sixth respondent to convert the petitioner's demised elder sister Uma's Bank A/c No.6148954161 into a "Fixed Deposit" in her minor daughter Fathima.

For Petitioner : Mr.D.Ramesh Kumar
for Mr.S.Silambuselvan

For Respondents : Mr.S.J.Mohamed Sathik,
Government Advocate (for R1 to R3)
Mr.Saravanaprakash (for R4 to R6)

O R D E R

The Writ Petition has been filed for directing the sixth respondent to consider the representation dated 29.09.2021 made by the petitioner seeking to convert her demised elder sister, viz., Uma's Bank A/c No.6148954161 into a "Fixed Deposit" in favour of her minor daughter, viz., Fathima.



W.P.No.17073 of 2022

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2. The petitioner's sister, viz., the said Uma went to Kuwait for her avocation. While that being so, she had illegitimate child by name, Fathima. The petitioner's sister died on 06.01.2021 due to fire accident caused in her Hostel where she stayed at Kuwait. Thereafter, the petitioner being the sister had brought the body of the deceased to her Village and buried. Further, the said Fathima is under custody of the petitioner and she is maintaining her. When her sister was alive, she had Savings Bank Account in the sixth respondent Bank in Account No. 6148954161 and a sum of Rs.17,23,644.20 is lying in the said account. The deceased said Uma failed to nominate anybody as her nominee. The said Fathima had obtained legal heir certificate and submitted a representation seeking conversion of the said amount into a Fixed Deposit in her name.

3. On a perusal of the counter-affidavit filed by the sixth respondent, it is revealed that the account opened by the deceased said Uma did not have any nominee on her behalf. As per the legal heirship certificate, the petitioner is the sole legal heir of the deceased said Uma. Now, she is represented by the deceased mother's sister, viz., Usha. She is not a natural guardian of the minor daughter of her sister. Therefore, the amount which is



W.P.No.17073 of 2022

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lying in the account of the petitioner's sister can be converted into Fixed Deposit to be opened in the name of the said Fathima on production of the death certificate and legal heir certificate of the deceased account holder.

4. In view of the above, the sixth respondent is directed to deposit the entire amount, which is lying in the said Savings Bank Account No.6148954161 in the name of the said Fathima as fixed deposit forthwith. Admittedly, Fathima is under the maintenance of the said Usha, who is none other than the own sister of the deceased mother of the minor daughter. Therefore, the petitioner is permitted to receive the accrued interest from the fixed deposit once in six months for the purpose of maintaining the minor daughter, viz., Fathima till her attainment of majority. After attainment of majority, Fathima is at liberty to receive the entire amount from the sixth respondent.

5. With the above direction, this Writ Petition is disposed of. No costs.



W.P.No.17073 of 2022

05.04.2024

WEB COPY

Index: Yes/No

Neutral Citation: Yes/No

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W.P.No.17073 of 2022



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W.P.No.17073 of 2022

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W.P.No.17073 of 2022

05.04.2024