



W.P.No.22926 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.22926 of 2024

Malliga

... Petitioner

Vs.

1.The Sub Post Master,
Nanganallur SO,
Chennai – 600 061.

2.Tamilselvan

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus, directing the 1st respondent to pay the sum of Rs.9,00,000/- which was kept under MIS SCHEME in Account No.MIS 4004983017, in connection with joint saving account No.3989603118, without insisting the signature of the 2nd respondent and produce the original Pass book, on the basis of the petitioner's representation dated 25.06.2024 within the time stipulated by this Court.



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For Petitioner : Mr.S.Seenuvasan
For Respondents : Mr.R.Sidharth
Central Government Counsel [R1]

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to direct to the 2nd respondent to pay the sum of Rs.9,00,000/- which was kept under MIS SCHEME in Account No.MIS 4004983017, in connection with joint saving account No.3989603118, without insisting the signature of the 2nd respondent and produce the original Pass book, on the basis of the petitioner's representation dated 25.06.2024.

2. Mr.R.Sidharth, learned Central Government Counsel accepts notice on behalf of the 1st respondent. In view of the consent expressed by the learned counsel appearing for the parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The petitioner and the second respondent are mother and son. It is the case of the petitioner that her husband Adiakalan during his life time



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was appointed as a Village Administrative Officer at Singavanam Village, during the year 1982. After serving for more than 30 years, her husband transfer to the Kodikulam Villae and retired from service on 01.08.2012. Unfortunately, her husband died within two days of his retirement i.e., on 03.08.2012. On receipt of retirement benefit of Rs.20,00,000/-, the petitioner had given Rs.3,00,000/- each to the 2nd respondent herein/son and daughter. Thereafter, on 27.03.2018, the petitioner has opened a joint post office savings bank account by including the name of the 2nd respondent under the MIS Scheme introduced by the postal department and deposited a sum of Rs.9,00,000/-, which was the retirement benefits of petitioner's husband. This being the case, the petitioner decided to withdraw the above deposited amount to meet her daily needs and medical expenses. But, the second respondent refused to come forward to withdraw the said amount. In this regard, the petitioner has lodged a criminal complaint against the 2nd respondent and during enquiry, he assured that he would co-operate and get the amount withdrawn from the account. However, he did not comply with his assurance. Hence, the petitioner made a representation dated 25.06.2024



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before the 1st respondent seeking to pay the deposited amount of Rs.9,00,000/- by accepting her signature only. Since the same was not considered by the 1st respondent, the petitioner has come forward with the present writ petition.

4. Though very many grounds have been raised in this Writ Petition, learned counsel for the petitioner submitted that, it would suffice, if this Court issues a direction to the 1st respondent to consider the petitioner's representation dated 25.06.2024 and pass appropriate orders, on merits and in accordance with law, within the time frame that may be stipulated by this Court.

5. Learned Central Government Counsel appearing for the 1st respondent has no objection for the said order being passed by this Court.

6. Considering the factual aspects of the matter, this Court, without going into the merits of the case, directs 1st respondent to consider the



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petitioner's representation dated 25.06.2024 and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as the 2nd respondent and aggrieved persons, if any, within a period of four (4) weeks from the date of receipt of a copy of this order.

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

13.08.2024

Index : Yes/No
Speaking Order / Non-speaking order
Neutral Citation Case: Yes/No
sp

To

The Sub Post Master,
Nanganallur SO,
Chennai – 600 061.



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M.DHANDAPANI,J.

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