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W.P.No.2300 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.2300 of 2024

Anjalatchi

... Petitioner

Vs.

1.The Secretary,
Department of Co-operative,
Government of Tamil Nadu,
St.George Fort,
Kamarajar Salai,
Chennai.

2.The District Collector,
Collectorate Office,
Ranipet District.

3.The Regional Manager,
Chennai Central Co-operative Bank,
No.215, Prakasam Salai,
Broadway, Chennai 600 018.

4.The District Manager,
The Vellore District Central Co-operative Bank,
No.10, Market Feeder Road Navalpur,
Ranipet District.

5.The Vellore District Central Co-op Bank Ltd.,
Rep by its Branch Manager,
Kaveripakkam, Ranipet District.

... Respondents



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Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the 5th respondent to consider and dispose the petitioner's representation dated 03.05.2023 requesting to hand over the funds together with interest, deposited by the petitioner's husband late.Govindarajan in 5 deposit bonds bearing Nos.219047328, 703381566, 219047930, 703409403 & 219047929 for which the petitioner has been nominated as nominee, within the stipulated time framed by this Court.

For Petitioner : Mr.D.Thirumoorthy

For Respondents : Mr.S.Ravikumar, SGP for R1 & R2
Mr.P.Ganesan, AGP for R3 to R5

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus to direct the 5th respondent to consider and dispose the petitioner's representation dated 03.05.2023 requesting to hand over the funds together with interest, deposited by the petitioner's husband late.Govindarajan in 5 deposit bonds bearing Nos.219047328, 703381566, 219047930, 703409403 & 219047929 for which the petitioner has been nominated as nominee, within the stipulated time framed by this Court.



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2. Heard Mr.D.Thirumoorthy, learned counsel for the petitioner, Mr.S.Ravikumar, learned Special Government Pleader who takes notice for R1 & R2 and Mr.P.Ganesan, learned Additional Government Pleader who takes notice for R3 to R5.

3. The petitioner who is the wife of the deceased Govindarajan who had deposited a sum of Rs.3,00,000/- with the fifth respondent Bank in five Fixed Deposits, has filed this Writ Petition seeking a direction to hand over the funds with interest in respect of five deposit bonds bearing Nos.219047328, 703381566, 219047930, 703409403 & 219047929 for which she has been nominated as nominee. In this regard, the petitioner is said to have given a representation also to the respondent authorities.

4. The learned Additional Government Pleader for the respondents 3 to 5 has submitted that the son of the petitioner has also filed a Writ Petition in W.P.No.22657 of 2022, by seeking the similar relief, in which, a direction has been given by this Court against the fifth respondent to pay the amount involved in the Fixed Deposit in the absence of any rival



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claim. Admittedly the rival claim is made by the petitioner who is the mother of the petitioner of the said Writ Petition by name G.Vijayakumar.

5. It appears that there is a dispute between the mother and the son in getting the Fixed Deposit amount of the late Govindarajan. According to the submission made by the learned Additional Government Pleader for respondents 3 to 5, for the two Fixed Deposits in Deposit Nos.219047328 and 703381566, the nomination has been given in the name of Vijayakumar and for the remaining three Fixed Deposits, there is no nomination has been made.

6. The act of nominating some one for receiving the deposit amount in the event of the death of the depositor does not mean that the nominee has got an unconditional right to inherit the said amount even though there are other legal heirs available for the deceased. The nomination is made just to enable the Bank to disburse the amount to the nominee in the event of the death of the depositor on the belief that the said amount will be divided between the other legal heirs also.



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7. In the case in hand, even before the amount was disbursed to the nominee, the legal heirs of the deceased Govindarajan viz., the wife and son, have approached this Court by filing the Writ Petitions thereby expressed their difference of opinion. It is upto the petitioner and her son to resolve the dispute between themselves before approaching the respondents 3 to 5 for getting the amount disbursed in their favour. However, since the representation of the petitioner is already lying with the fifth respondent, the same shall be considered by fifth respondent.

8. With the above observations, this Writ Petition is disposed and the fifth respondent is directed to consider the representation submitted by the petitioner and pass appropriate orders within a period of three weeks from the date of receipt of a copy of this order. No costs.

05.02.2024

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