



1

W.P.(MD)NO.3848 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 21.02.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.3848 of 2024 AND
W.M.P.(MD)No.3830 of 2024

1. RM.Parvathi
2. S.Meenakshi
3. R.M.Kannathal
4. Valliyammai

... Petitioners

Vs.

State Bank of India,
Rep. through its Branch Manager,
Chokkanathapuram Branch,
Bank Street, Paganeri,
Sivagangai District.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned communication of the respondent dated 20.05.2022 and quash the same and consequently directing the respondent to permit the petitioner to open the Safety Locker vide locker No.G1/19 maintained by her husband with the respondent along with all other legal heirs of her husband and to take away all the valuables, materials from the safety locker, by preparing an Inventory in the presence of the respondent.

For Petitioner : Mr.C.M.Arumugam
For Respondent : Mr.N.Dilipkumar,
Standing counsel.

* * *

**ORDER**

WEB COPY

Heard both sides.

2. One Ramanathan, hired safe locker maintained by the respondent Chokkanathapuram Branch of State Bank of India. Ramanathan passed away on 02.08.2021. The legal heirs now want to open the same and take the articles kept therein. The request was made to the Branch Manager. The respondent vide communication dated 20.05.2022 called upon the wife of the hirer(petitioner herein) to produce the Letter of Administration from the competent Court. Challenging the said communication, the present writ petition came to be filed.

3. Section 45-ZF of the Banking Regulation Act 1949 is relevant. It reads as follows:-

“45-ZF. Notice of claims of other persons regarding safety lockers not receivable.—No notice of the claim of any person, other than hirer or hirers of a locker, shall be receivable by a banking company nor shall the banking company be bound by any such notice even though expressly given to it:

Provided that where any decree, order, certificate or other authority from a court of competent jurisdiction relating to the locker or its contents is produced before the banking company, the banking company shall take due note



of such decree, order, certificate or other authority.”

In this case, not only the wife of the hirer, but the other legal heirs have also joined together and are the petitioners before this Court. If there is no consensus among the legal heirs of the hirer, then the Bank will be justified in insisting on production of Letter of Administration. Where there is no dispute and the legal heirs make a joint request for opening the safety locker and taking the articles kept there in, the bank need not relegate the applicants to go before the competent Court. Such a course of action is unnecessary. The Courts are there to adjudicate disputes. Where there is no dispute and where the interest of the bank is not going to be affected in any manner, the authority need not insist on obtaining Court orders. Be that as it may, now that the petitioners are before this court and it is obvious that there is no dispute among the legal heirs, I permit them to make a joint application before the respondent. The following documents should accompany the said application;

- a) Death certificate of hirer
- b) Legal Heir certificate

As and when the application is submitted, the same shall be accepted by the respondent.

4. The learned Standing counsel states that the petitioner will



have to execute an Indemnity Bond. The other formalities to be stipulated by the respondent shall also be complied with. It is for the petitioner to convince the respondent regarding the identity of the applicants. If any charges are payable, the same shall also be duly remitted. The petitioners shall be permitted to open the locker and also take all the articles kept therein. This writ petition stands allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

21.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU

To:

The Branch Manager,
State Bank of India,
Chokkanathapuram Branch,
Bank Street, Paganeri,
Sivagangai District.



WEB COPY



5

W.P.(MD)NO.3848 OF 2024

G.R.SWAMINATHAN,J.

PMU

W.P.(MD)No.3848 of 2024

21.02.2024