



W.P(MD)No.31237 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.01.2024

CORAM

**THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN**

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Selva Kumar

... Petitioner

-Vs-

1.The General Manager,  
Office of the Indian Overseas Bank,  
Mount Road, Chennai.

2.The Regional Manager,  
Office of the Indian Overseas Bank,  
No.4, Baradhithasan Road,  
Cantonment,  
Trichy- 1 District.

3.The Branch Manager,  
Indian Overseas Bank,  
Siruganur Branch,  
Siruganur (Post),  
Manachanallur Taluk,  
Trichy District.

... Respondents

**PRAYER:-** Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the third respondent/Branch Manager, Indian Overseas Bank, Siruganur Branch, to issue Jewels, documents and fixed deposits thro' receipt Nos.0862401 and 0862402 under the Locker No.41, Savings Bank Account No.



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101601000005137 in Indian Overseas Bank, Siruganur Branch, Manachanallur Taluk, Trichy District and handover to the petitioner by considering the petitioner's representation dated 25.10.2023 within stipulated time.

For Petitioner : Mr.T.Nataraja

For Respondents : Mr.N.Dlipkumar

### **ORDER**

The writ petition is filed seeking for issuance of a Writ of Mandamus directing the third respondent/Branch Manager, Indian Overseas Bank, Siruganur Branch, to issue Jewels, documents and fixed deposits thro' receipt Nos.0862401 and 0862402 under the Locker No.41, Savings Bank Account No.101601000005137 in Indian Overseas Bank, Siruganur Branch, Manachanallur Taluk, Trichy District and handover to the petitioner by considering his representation dated 25.10.2023 within stipulated time.

2. The learned counsel appearing for the petitioner would submit that that one Sivakamuammal is the aunt of the petitioner and she had kept jewels, documents and fixed deposits thro' receipt Nos.0862401 and 0862402 under the Locker No.41 in Indian Overseas Bank, Siruganur



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Branch, Manachanallur Taluk, Trichy District and she was maintaining a Savings Bank Account No.101601000005137 opened on 07.10.2003, in which, the nominee is not registered in front page of the passbook. On 22.06.2023, she had executed a Will in favour of the petitioner in respect of the above mentioned jewels, documents and properties and the same was registered in Chettikulam Sub-Registrar Office on 09.07.2020. Based on the will, the petitioner is the legal nominee of the said Sivakamuammal. Hence, he approached the respondent bank by claiming the jewels, documents and fixed deposits. However, the third respondent bank advised the petitioner to get the direction from this Court. Hence, the petitioner has filed the present writ petition.

3. It is seen that the respondent bank sent a letter dated 09.11.2023 to the petitioner directing him to approach the appropriate forum and get an order to enable them to pass orders, as there are other persons, who are claiming right over the said properties. Hence, the petitioner has to approach the competent civil Court for necessary relief and without doing so, the petitioner has approached this Court for the relief stated supra.



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4. In view of the above fact, this Court is not inclined to entertain this writ petition. Hence, this writ petition is dismissed. The petitioner is at liberty to approach the appropriate forum for necessary relief, in the manner known to law. No costs.

**02.01.2024**

Index : Yes/No  
Internet : Yes/No  
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**V.BHAVANI SUBBAROYAN, J.**

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