

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10745 of 2017**

=====

Santosh Kumar Choubey S/o Late Mahendra Choubey, a resident of Mohalla- Umanagar, P.O.- Chandwa, District- Bhojpur, Ara, at present C-77, Ganga Bridge Colony, Near Babuaganj Pani Tanki, P.O.- Gulzarbagh, P.S.- Manganj, District- Patna.

... .. Petitioner/s

Versus

1. The Punjab National Bank, Station Road, Ara Branch, Ara
2. Akhilesh Kumar, S/o Late Mahendra Choubey, at present resident of Mohalla- Umanagar, P.O.- Chandawa, District- Bhojpur, Ara.

... .. Respondent/s

=====

**Appearance :**

|                      |   |                                   |
|----------------------|---|-----------------------------------|
| For the Petitioner/s | : | Mr.Harsh Kumar, Advocate          |
| For the Respondent/s | : | Mr.Sriram Krishna, Advocate       |
|                      | : | Shashank Shekhar Kunwar, Advocate |

=====

**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY**  
**ORAL ORDER**

2      07-05-2025                      1. Heard the Learned counsel for the

petitioner as well as the Learned counsel for the

respondent-Bank.

2. The Writ petition is filed directing and

commanding the Respondent No. 1 not to disperse

or the amount lying in the account of Late Binda

Devi vide Account No. 1494000300035175, Punjab

National Bank, Station Road, Ara, Bhojpur without



obtaining consent of the other legal heirs of late Binda Devi.

3. The brief content of the Writ petition are that the petitioner is the eldest son of late Binda Devi, besides private respondent no. 2 and three other legal heirs.

4. The deceased died on 13.04.2017, leaving five other legal heirs, behind her excluding the private respondent no. 2. The said late Binda Devi had a bank account with Punjab National Bank, Station Road, Ara, Bhojpur Branch vide Account No. 1494000300035175, in which certain amount was deposited. Further, the private respondent no. 2 is made as nominee to the said account. Being the nominee, the 2<sup>nd</sup> respondent is trying to claim the entire amount from the account



of late Binda Devi, therefore, the Writ petition is filed to direct the Bank not to disperse the amount to the 2<sup>nd</sup> respondent.

5. It is purely a civil dispute between the legal heirs of late Binda Devi with that of the Bank. If at all, there are rules and regulations for the Bank to disperse the amount to the legal heirs, Bank has to strictly follow the rules. If at all the Bank, needs any succession certificate, it is for the petitioners to move to the appropriate Civil Court to seek succession certificate. After obtaining the succession certificate from the competent authority, the legal heirs can claim the amount of late Binda Devi. There is no impugned order in this case and the fundamental rights of the petitioner is nowhere infringed.



6. However, on perusal of the cause title, it is evident that the Writ petition is filed by the petitioner, against the bank and the nominee i.e. respondent no. 2 and the other legal heirs were also not made parties to the Writ petition.

7. The fundamental rights of the Writ petitioner is not infringed or the principles of natural justice are not violated, this Court is of the considerable view that the Writ petition is not maintainable and therefore, it is dismissed as it is devoid of merits.

**(G. Anupama Chakravarthy, J)**

amitkr/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

