

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13232 of 2017

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Ram Pravesh Prasad Verma S/o Late Ram Sevak Prasad, Resident of
Mohalla- Jansakti Colony, P.O. Rajiv Nagar, Road No. 24, District- Patna.

... .. Petitioner/s

Versus

1. The Union Of India
2. The Director, Postal Department, Govt. of India, New Delhi.
3. The Post Master, Post Officer Makhdumpur, Dighaghat, District- Patna.
4. Sri Janardan Prasad S/o Late Ram Sevak Prasad, Resident of Village-
Jansakti Colony, P.S.- Rajeev Nagar, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sadanand Paswan, Adv.
For the Respondent/s	:	Mr. S.D Sanjay Addl. Soc. Gen. Mr. Akshay Bahadur Mathur, CGC

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 12-05-2025

1. The Writ petition is filed for the following
reliefs:-

*(i) To restrain the respondents
and to allow respondent No. 4,
brother of the petitioner to withdraw
the amounts from the account of Late
Ram Sevak Prasad.*

*(ii) To direct the respondents
to call for Succession Certificate from
the petitioner as well as from
respondent in order to withdraw the*



amount from the bank account of late Ram Sevak Prasad noted in the succession certificate to allow the successor of Late Ram Sevak Prasad to withdraw the amount from the Bank account in accordance with law.

(iii) To restrain the bank authorities from allowing to withdraw any amount from the account of Late Ram Sevak Prasad. till furnishing the Succession Certificate of the competent authority by the heir of Late Ram Sevak Prasad.

2. The brief facts of the case culled out from the Writ petition are that the petitioner and the respondent No. 4 are sons of one Ram Sevak Prasad. Late Ram Sevak Prasad died leaving behind his two sons, the petitioner and the respondent No. 4 and one daughter. However, her daughter passed away one year prior to the filing of the Writ petition.

3. The petitioner was in Indian Air Force, till August 1999, and later retired from service. In the year 1978, Chandrakala Devi grand mother of the petitioner passed away and at that time, the



petitioner gave an amount Rs. 1800/- towards her Saradh (funeral rites).

4. In the year, 1978, the respondent No. 4, Janardan Prasad/ younger brother of the petitioner was studying in a secondary school and the petitioner used to send money for his education purpose. Further in the year, 1991 the petitioner continued to provide financial support for his brother's education. In the year, 1996 he gave an amount of Rs. 8000/- for the marriage of his younger sister. In 1994, the grandfather of the petitioner passed away for which he gave an amount of Rs. 2000/- towards the Saradh (funeral rites). Further, the petitioner regularly provided amounts to his family members for the purchase of household articles. After retirement from service, the petitioner handed over all his house hold articles such as T.V. cooler, etc. to his father and began to reside with him.

5. Heard the Learned counsel for the petitioner as well as the Learned Senior counsel Shree Ajay Kumar Sinha for the respondents.



6. On perusal of the contents of Writ petition, it is evident that the amounts were advanced by the petitioner for family purposes, which includes for the purchase of a house at Rajiv Nagar, Patna and for the medical expenses incurred for his mother. Further, the contents of the Writ petition disclose that the father of the petitioner died leaving amounts in his savings account, for which his brother/ respondent No. 4 attempted to withdraw without obtaining a Succession Certificate. Being aggrieved by the acts of the 4th respondent, the present Writ petition has been filed.

7. These are all questions of facts. Admittedly there is no impugned order in this case regarding the disbursal of the amounts to respondent No. 4. However, the bank authorities are required to follow the due procedure of law. If at all, Late Ram Sevak Prasad nominated any person as his nominee, the bank has to hand over the amounts to the nominee. In the absence of a nominee, the bank has to look for Succession Certificate before disbursing the amount.



8. Therefore, all these questions of facts are to be decided by the appropriate civil forum. If at all, the petitioner has any grievances, he is at liberty to approach the Civil Court for redressing his grievances. There is no violation of a fundamental right, nor is there a breach of principles of natural justice in this case. Therefore, this Court is not inclined to interfere in the matter, as it does not fall within the purview of Article 226 of the Constitution of India.

9. In result the Writ petition is dismissed as it is devoid of merits.

(G. Anupama Chakravarthy, J)

Manish/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	16.05.2025
Transmission Date	16.05.2025

