

**25.09.2025**  
**Sl. No.11**  
tkm

**W.P.A. 7687 of 2025**

***Barun De***  
***-Vs-***  
***Punjab National Bank & Ors.***

Mr. Samir Kr. Adhikari  
Mr. Susanta Kr. Das  
... ... for the petitioner  
Mr. Santu Nandy  
... ... for respondent no. 6  
Mr. Aditya Chakraborty  
... ... for respondent nos. 1-5

1. Affidavit of service filed by the petitioner is taken on record.
2. The petitioner has filed the present application praying for a direction upon the respondent no. 5 i.e. the Branch Manager, Punjab National Bank Mandalkuli Branch not to release the deposited amount lying in the saving account no. 1306010101671 in the name of the deceased namely Rakhahari De.
3. Learned counsel for the petitioner submits that the petitioner is one of son of the deceased Rakhahari De. The deceased was the government teacher in the State of West Bengal. He died leaving behind two sons namely Arun De and Barun De. The respondent no. 6 is the wife of Arun de who is the nominee of the deceased in the bank.

4. Learned counsel for respondent no. 6 submits that he has not applied before the bank for release of any amount.

5. This court finds that there is dispute with regard to amount lying in the name of the deceased Rakhahari De in the Punjab National Bank, Mandalkuli Branch.

6. Learned counsel for the petitioner has relied upon the judgment in the case of *Parash Chandra Ghosh vs. The State of West Bengal & Ors.* reported in 2014 SCC OnLine Cal 9281 and subunits that the bank cannot release the amount in the name of the nominee unless and until the succession certificate is being procured by any of the legal heirs of the deceased.

7. Learned counsel for the Bank submits that as per the record of the bank the respondent no. 6 is the nominee but the nominee cannot be treated as beneficiary he can only be the trustee. If the bank is released the amount in favour of the nominee, the nominee has no right to utilise the said amount unless the other legal heir's share is to be distributed.

8. Considering the above, this court finds that there is dispute with regard to amount lying in the name of the deceased in the Punjab National Bank

and admittedly the respondent no. 6 is the nominee and the petitioner is one of the son of the deceased.

9. Learned counsel for the bank submits that as on 11.9.2025 there is an amount of Rs. 833284.85 is lying in the account of the deceased. This court finds that there is disputed question of fact in the present writ application which cannot be decided in the writ jurisdiction.

10. Accordingly, the writ petition is dismissed on the ground of maintainability. However, it is made clear that dismissal of the writ application will not prevent the parties to approach before the appropriate court of law for obtaining succession certificate.

11. Since the writ petition is disposed of at the motion stage and parties have not filed their affidavit-in-opposition, allegations made in the writ application are deemed to have been denied.

**(Krishna Rao, J.)**