

25.09.2025
Sl. No.20
tkm

W.P.A. 7824 of 2025

Samanaya Dutta
-Vs-
Zonal Manager, PNB & Ors.

Mr. Bibek Jyoti Basu
Mr. Uttam Kr. De
Mr. D Kar

... ... for the petitioner

1. Affidavit of service filed by the petitioner is taken on record.
2. The petitioner has filed the present writ application praying for a direction upon the respondent nos. 1 and 2 for release of his 50% share of the amount pending in the name of his father in the joint pension Savings Bank account no. 1006010101644 along with interest in terms of the succession certificate granted by the learned district delegate, Rampurhat, Birbhum in connection with Misc Succession Case no. 63 of 2021 dated 25.9.2023.
3. Leaner counsel for the petitioner submits that the mother of the petitioner was predeceased to the father of the petitioner. The mother of the petitioner died on 16.1.2018 and the father of the petitioner died on 11.7.2019 leaving behind his two sons namely Samanaya Dutta, the petitioner herein and

Sourav Dutta who is the respondent no. 3 in the present writ petition. He submits that the father left behind one joint pension Saving Bank account no. 1006010101644 in the Punjab National Bank Ramurhat Nischintapur Branch. After the death of his father, the petitioner has applied for release of the amount from the bank but the bank has directed the petitioner to obtain succession certificate.

4. The petitioner applied for grant of succession certificate and by an order dated 21.7.2023 the learned district delegate (Civil Judge (Jr. Div). 2nd Court, Rampurhat Birbhum) has issued the succession certificate to the petitioner. In the succession certificate it is categorically mentioned that the petitioner is entitled to receive the interest or dividends and to negotiate and both receive interest and dividends and to negotiate or transfer the securities and or any of them. After the grant of succession certificate the petitioner made a representation to the bank by disclosing the succession certificate granted by the court for release of 50% share of the amount lying in the joint account of the father but in spite of receipt of the said succession certificate and the request made by the petitioner, the bank failed to release the said amount. The petitioner has relied upon a letter

dated 23.9.2019 issued by the Manager (Pension) Pension Payment Officer wherein the said authorities was also requested the bank for release of the amount in favour of the petitioner.

5. The petitioner has drawn attention of this court to the letter dated 27.11.2024 wherein the bank has requested the brother of the petitioner to attend the bank but the brother of the petitioner has not attended the bank for which the bank is not releasing the amount.

6. The main grievance of the petitioner is that since after the death of his father, the brother of the petitioner one or the other reason is delaying for release of the amount and he is not co-operating with the petitioner so that the amount can be released. Accordingly, the petitioner has obtained the succession certificate. From the succession certificate it is categorically proved that the petitioner is the successor to receive the amount.

7. It is the further contention of the petitioner that the petitioner is not praying for release of whole amount in favour of the petitioner. The petitioner is only praying for release of 50% of his share of the amount lying in the account of the father but in spite of the same, the bank is not releasing the same.

8. Considering the above, this court finds that the petitioner has already obtained succession certificate from the competent court of law though there are two legal heirs of the deceased father but one legal heir is not coming forward and the petitioner being one of the legal heirs specifically claiming only 50% of the share lying in the account of the father but the bank without any reason, has not released the said 50% share to the petitioner.

9. In view of above, this court finds that no purpose will be served in keeping the writ petition pending.

10. Accordingly, the writ petitioner is disposed of by directing the respondent nos. 1 and 2 to consider the case of the petitioner in view of the succession certificate granted by the competent court of law and to release the 50% of the share of the petitioner lying in the joint account of the father along with the interest accrued therein within eight weeks from the date of receipt of this order.

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.)