



WEB COPY

WP.No.11481 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2025

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THE HONOURABLE MRS.JUSTICE N. MALA

WP.No.11481 of 2025

K.S.Parimala,
D/o.Singara Achari,
90/127, Narasima Swami Koil Street,
Old Pettai, Krishnagiri 635 001.

Petitioner

Vs

The Secretary,
S 944 Krishnagiri Cooperative Housing Society Limited,
189, Cooperative Colony, Krishnagiri.

Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus, calling for records on the file of the respondent in proceedings Nil dated 27.02.2025 and quash the same as illegal incompetent and without jurisdiction and further direct the respondent to disburse the fixed deposit of petitioner's brother Thiru K.S.Selvam which amounts to sum of Rs.44,74,000/- with interest to the petitioner without insisting for production of the original fixed Deposit receipts within a time frame and pass such further orders.

For Petitioner: Mrs.R.Poornima

For Respondent: Mr.V.Venkata Seshiah,
Government Advocate

**ORDER**

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This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus, calling for records on the file of the respondent in proceedings Nil dated 27.02.2025 and quash the same as illegal incompetent and without jurisdiction and further direct the respondent to disburse the fixed deposit of petitioner's brother Thiru K.S.Selvam which amounts to Rs.44,74,000/- with interest to the petitioner without insisting for production of the original fixed Deposit receipts.

2. The case of the petitioner is that the petitioner's father who is a Government Servant passed away on 12.12.2000, leaving behind the petitioner and her brother Selvam as legal heirs. Their mother and unmarried sister had predeceased their father. The petitioner and her bachelor brother lived together and relied on interest from his bank investments for their livelihood. On 16.06.2024, the petitioner's brother passed away and the petitioner being the sole surviving legal heir was issued a legal heir certificate. The petitioner's brother had made several fixed deposits with the respondents under membership No.01701 AM, listing the petitioner as nominee. Unable to locate the original



fixed deposit receipts, the petitioner submitted photostat copies along with a letter dated 26.12.2024, requesting disbursal of the deposit amounts.

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3. Learned Counsel appearing for the petitioner submits that deposits being the nominee and legal heir, and having submitted sufficient documents including photostat copies of the fixed deposit receipts, the Respondent unjustly insisting on production of original receipts and delaying the payment. He submits that inspite of the repeated personal visits and formal representations, including legal notices dated 24.01.2025 and 19.02.2025, the respondent continued to deny the claim, culminating in the impugned rejection order dated 27.02.2025. He further submits that the insistence of original receipts is arbitrary and unsustainable, leading to the filing of the present writ petition.

4. Learned counsel for the petitioner submits that the petitioner has also applied for and obtained a legal heirship certificate, wherein it is clearly stated that the petitioner is a sole legal heir of the deceased, K.S. Selvam. The said legal heirship certificate was issued on 16.07.2024 by the Krishnagiri Taluk authorities. He further submits that the death certificate of the deceased



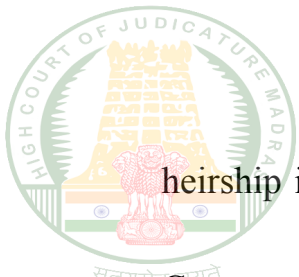
K.S.Selvam, issued by the Registrar of Births and Deaths, dated 25.06.2024, has also been submitted before this Court.

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5. Learned Government Advocate appearing for the respondents, on the basis of written instruction received from the respondent Secretary dated 05.04.2024, submits that a third party has raised an objection, claiming to be in possession of the original deposit receipts pertaining to the fixed deposit made by the deceased. In view of the same, the petitioner was advised to lodge a police complaint and to obtain a “non-traceable certificate” from the concerned police station.

6. Heard both sides and perused the materials available on record.

7. In the case on hand, the amount in question was deposited by the deceased K.S.Selvam, who passed away unmarried and issueless. The petitioner, K.S.Parimala, is the sole surviving legal heir, as confirmed by the legal heirship certificate produced. The petitioner has approached the respondent, seeking release of the fixed deposit made by the deceased. Since the original deposit receipts are not in her possession, the petitioner has submitted xerox copies of the said fixed deposit receipts. The death certificate and legal



heirship issued in favour of the petitioner have been duly produced before this Court.

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8. In view of the above, the respondent is directed to release the fixed deposit amount standing in the name of the deceased, K.S.Selvam, to the petitioner, K.S. Parimala, on her executing an indemnity bond for the said amount. The respondent shall comply with this direction within a period of four weeks from the date of receipt of a copy of this order.

In the result, the writ petition stands disposed of with the above observations. No costs.

smn

03-07-2025

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No



WP.No.11481 of 2



To

WEB COPY The Secretary,

S 944 Krishnagiri Cooperative Housing Society Limited,
189, Cooperative Colony, Krishnagiri.



WEB COPY

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N. MALA, J.

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