



W.P.No.18791 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.18791 of 2024

Jayanthi

...Petitioner

Versus

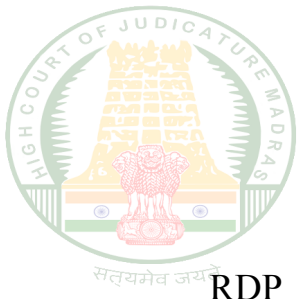
1.The Commissioner of Police,
Chennai City,
Chennai

2.The Sub-Inspector of Police(Crime Branch),
E-2, Royapettah Police Station,
Royapettah,
Chennai -600 014.

3.The Branch Manager,
Indian Overseas Bank,
Peters Road Branch,
No.90, Peters Road,
Royapettah,
Chennai -600 014.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus, directing the 2nd Respondent to de-freeze the petitioner's husband's friend Anskar's saving Bank Account No. 033401000020165, RDP A/c. No. 033404000006040,



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RDP A/c. No. 033404000006041 holding with Indian Overseas Bank,
Peters Road Branch, Royapettah Chennai District (3rd respondent herein)

For Petitioner : Mr.S.N.Arunkumar

For R1 & R2 : Mr.A.Gopinath
Government Advocate (Crl.Side)

For Defacto complainant : Mrs.Shanthi Meenakshi

ORDER

This Writ Petition has been filed for a direction, directing the second respondent to de-freeze the accounts of the petitioner's husband's friend, viz., A.Anskar, specifically saving bank Account No.033401000020165, RDP A/c.No.033404000006040 and RDP A/c.No.033404000006041.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioner has been the caretaker of the husband's friend A.Anskar for the past 18 years. While being so, he died on 03.05.2024. While he was alive, he nominated the petitioner as his nominee for his



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Account No.033401000020165, RDP A/c.No.033404000006040 and RDP A/c.No.033404000006041. Thereafter, on the request made by the second respondent, the third respondent had frozen the accounts of the petitioner's husband's friend and permitted the petitioner, as the nominee, to withdraw the amount.

4. The learned counsel appearing for the Class-II legal heirs of the petitioner's husband's friend, A.Anskar, submitted that the petitioner is only the nominee and cannot be permitted to withdraw the entire amount in her favour. The amounts, which is lying in the accounts, are entitled to be shared by the other legal heirs. That apart, the petitioner has already withdrawn a sum of Rs.10 Lakhs from the account of the deceased A.Anskar and has also allegedly taken possession of his car. The learned counsel further submitted that the Class-II legal heirs also filed a suit in O.S.No.4953 of 2024 on the file of the XVII Assistant Judge, City Civil Court, Chennai, for an injunction restraining the petitioner from withdrawing any amount from the accounts. The suit is pending for adjudication as against the petitioner and the other legal heirs.



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5. The learned counsel for the petitioner would submit that the petitioner, being the nominee, is entitled only to withdraw the amount and she cannot enjoy the amount since the other legal heirs are very much available.

6. In view of the above, the third respondent is directed to de-freeze the accounts of the petitioner's husband's friend, viz., A.Anskar, specifically saving bank Account No.033401000020165, RDP A/c.No.033404000006040 and RDP A/c.No.033404000006041 forthwith. The petitioner is permitted to withdraw the amount, which is lying in the said account, on condition that after withdrawing the entire amount, the petitioner shall deposit the same to the credit of the suit in O.S.No.4953 of 2024 on the file of the XVII Assistant Judge, City Civil Court, Chennai. On such deposit, the XVII Assistant Judge, City Civil Court, Chennai, is directed to disburse the amount equally to all the legal heirs, after verifying their legal heirship of the deceased A.Anskar.



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7. With the above direction, this Writ Petition stands disposed of.

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No costs.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
Lpp

To

1.The Commissioner of Police,
Chennai City,
Chennai

2.The Sub-Inspector of Police(Crime Branch),
E-2, Royapettah Police Station,
Royapettah,
Chennai -600 014.

3.The Branch Manager,
Indian Overseas Bank,
Peters Road Branch,
No.90, Peters Road,
Royapettah,
Chennai -600 014.

4.The Public Prosecutor,
High Court of Madras,
Chennai



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G.K.ILANTHIRAIYAN, J.

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