



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2025

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THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.26503 of 2023

C.Rajendran

.. Petitioner

Versus

1. The President

Swarnapuri Cooperative House Building Society Ltd
Anna Salai, Swarnapuri, Salem – 636 004

2.Selvakumar

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to handover the fixed deposits amount lying in the Fixed Deposit of the petitioner's mother C.Angammal to the petitioner as a nominee under Section 45-ZA of the Banking Regulation Act, 1949 and Rule 2(1) of the Banking Companies (Nomination) Rules, 1985.

For Petitioner : Mr.R.Balaramesh

For Respondents : Mr.N.A.Nassir Hussain for R1
Mr.D.Senthur Kugan for R2

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus directing the 1st respondent to hand over the amounts lying in the Fixed Deposits of the petitioner's mother C.Angammal to the petitioner as a nominee under Section 45-ZA of the Banking Regulation Act, 1949 and Rule 2(1) of the Banking Companies (Nomination) Rules, 1985.



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2. According to the petitioner, he is the nominee of his mother in respect of the Fixed Deposits in the name of the petitioner's mother C. Angammal lying before the 1st respondent Cooperative Society to the tune of Rs.7,50,000/-. Since the petitioner's mother died on 29.10.2021, it is the case of the petitioner that he is entitled to withdraw the amounts in the Fixed Deposits as per Section 45-ZA of the Banking Regulation Act, 1949 and Rule 2(1) of the Banking Companies (Nomination) Rules, 1985. Therefore, the petitioner submitted representations to the 1st respondent Society on 01.12.2021 and 21.06.2023 for disbursement of the amounts. However, since there was no action on the part of the 1st respondent, the petitioner has come forward with the above writ petition.

3. Learned counsel appearing for the 1st respondent Society would submit that Section 45-ZA of the Banking Regulation Act, 1949, will not apply to the Cooperative Societies and he has also brought to the notice of this Court Section 56 of the Banking Regulation Act, 1949, wherein, in Clause (zb), it is stated that Part II-A except Section 36-AAA, 36-AAB and 36-AAC, Part II-C, Part III, except subsections (1), (2) and (3) of Section 45, and Part III-A, except Section 45-W shall be omitted. Be that as it may.

4. The 2nd respondent is the brother of the petitioner and according to him, he is also a nominee of his mother in respect of other deposits for a sum of



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Rs.2,00,000/- and therefore, he is entitled to that amount.

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5. Whether the petitioner, as a nominee, is entitled to receive the amounts lying in the Fixed Deposit in the name of his mother, is not the issue. But the real issue is sharing of assets between the petitioner and other legal heirs of his mother. It is brought to the notice of this Court that a partition suit is already pending between the petitioner and the 2nd respondent in O.S.No.207 of 2023 on the file of the II Additional District Court, Salem. In such view of the matter, when a dispute is lingering between the parties over the properties of their deceased mother, let the 1st respondent deposit the entire amount lying in the Fixed Deposits in the name of the petitioner's mother, before the II Additional District Court, Salem, within a period of one month from the date of receipt of a copy of this order, and on such deposit, the learned II Additional District Judge, Salem, shall, in turn, deposit the amount in any of the Nationalised Bank in an interest bearing deposit till the disposal of the suit. Since it is also brought to the notice of this Court that no relief is sought in respect of the amounts in the Fixed Deposits, the parties are at liberty to make necessary amendments for including the fixed deposit in the schedule of properties. The II Additional District Court, Salem shall dispose of the above-mentioned suit expeditiously.

6. With the above directions, this writ petition is disposed of. No costs.



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Index :Yes/No

Internet :Yes/No

Neutral Citation : Yes

To

1. The President

Swarnapuri Cooperative House Building Society Ltd
Anna Salai, Swarnapuri, Salem – 636 004

2. The II Additional District Judge

II Additional District Court, Salem



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N. SATHISH KUMAR, J.

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