



W.P.No.47523 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 09.12.2025**

CORAM :

**THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR**

**W.P.No.47523 of 2025**

The Chief Manager,  
State Bank of India,  
Walajapet Branch (00775)  
PB No.7, Palar Tower,  
MBT Road,  
Walajapet,  
Ranipet District.

... Petitioner

Vs.

- 1.The Chief Education Officer,  
4<sup>th</sup> Floor “B” Block,  
District Collectorate Office,  
Ranipet,  
Ranipet District.
- 2.The District Education Officer,  
4<sup>th</sup> Floor “B” Block,  
District Collectorate Office,  
Ranipet,  
Ranipet District.
- 3.The Circle Education Officer,  
Walaja West Union,  
Walajapet,  
Ranipet District.



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4.The Block Education Officer-2,  
Block Education Office,  
Walajapet,  
Ranipet District – 632 405.

5.The Head Master (Primary School)  
Arut Perum Jothi Primary Aided School,  
22/1, Katharikuppam  
Eakambaranellore Post,  
MK Puram,  
Ranipet District – 632 405.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to open Bank account for the legal heirs of the deceased J.Shakila in the petitioner's Bank and deposit the terminal benefits due and payable on account of her death to her legal heirs to enable the petitioner Bank to recover the outstanding liability incurred by the deceased J.Shakila in Loan Account Nos.42809040782 and 42812880321 maintained by her in the petitioner's Bank within a stipulated time.

For Petitioner : Mr.T.P.Prabakaran

For R1 to R4 : Mrs.S.Mythreye Chandru  
Special Government Pleader

### **ORDER**

The petitioner Bank seeks a direction to the respondents to open Bank account for the legal heirs of the deceased J.Shakila in the petitioner's Bank



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and deposit the terminal benefits due and payable on account of her death to her legal heirs to enable the petitioner Bank to recover the outstanding liability incurred by the deceased J.Shakila in Loan Account Nos.42809040782 and 42812880321 maintained by her in the petitioner's Bank, within a stipulated time.

2.It is the case of the petitioner that the petitioner Bank sanctioned a personal loan to one J.Shakila for a sum of Rs.20,00,000/- for her personal needs. She has executed a loan agreement on 19.03.2024, agreeing to pay the said loan amount in 72 equated monthly instalments (EMI) of Rs.38,222/- and issued an irrecoverable standing instruction in favour of the petitioner Bank undertaking to deposit a sum of Rs.38,222/- monthly to the loan account. The petitioner Bank issued a legal notice to the said J.Shakila on 23.06.2024 to discharge the outstanding amount of Rs.18,87,210/-. However, there was no response. The said J.Shakila died on 09.01.2025. Therefore, the petitioner sent a letter to the respondents 1 and 2 on 26.05.2025; to the 5<sup>th</sup> respondent on 27.05.2025; and also issued legal notice to the 4<sup>th</sup> respondent on 28.06.2025 for recovery of dues from the terminal benefits payable to the legal heirs of the deceased J.Shakila. The 2<sup>nd</sup> respondent, vide proceedings dated 25.08.2025, in



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Na.Ka.No.2035/Aa4/2025, advised the 3<sup>rd</sup> respondent to open a Bank account in the petitioner's Bank for the legal heirs of the deceased J.Shakila and deposit the terminal benefits payable on account of the death of the said J.Shakila in the said Bank account. But the 3<sup>rd</sup> respondent has not taken any steps towards the same. Hence, the petitioner has come forward with this writ petition.

3.Heard the learned counsel for the petitioner and Mrs.S.Mythreye Chandru, who takes notice for the respondents 1 to 4.

4.By consent of both sides, the matter is taken up for final disposal at the admission stage itself.

5.By way of this writ petition, the petitioner Bank seeks a mandamus to recover the entire loan amount said to have been given to one J.Shakila, from her terminal benefits. I am of the view that such a direction cannot be given. If the petitioner really wants to recover the money payable by the said individual, firstly, they have to file a civil suit. Pending suit, they can seek attachment before judgment in respect of the amounts out of the terminal benefits which are attachable as per law. The entire terminal



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benefits cannot be straight away transferred to the petitioner's Bank.

Certain pensionary benefits like provident fund, etc., are exempted from attachment as per the Statute. In such view of the matter, there cannot be any blanket direction to the respondents to open a Bank account in the petitioner Bank and transfer the entire terminal benefits of the deceased individual to that account. It is for the petitioner to file an appropriate suit or proceedings as per law and seek attachment before judgment, particularly with regard to the amounts which are attachable as per law.

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

**09.12.2025**

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Internet : Yes

Index : Yes

Speaking order : Yes

Neutral Citation : Yes

To

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**N. SATHISH KUMAR, J.**

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