



W.P.(MD) No. 11920 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No. 11920 of 2025

and

W.M.P.(MD) No.8806 of 2025

1. R.Valliyammal,
2. Masanam,
3. Kandammal.

... Petitioners

Vs

1. The Regional Manager,
State Bank of India,
Sreepuram,
Tirunelveli Region,
Tirunelveli.

2. The Branch Manager,
State Bank of India,
Perumalpuram Branch,
Tirunelveli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to direct the respondents bank to permit the petitioners to operate the bank locker in Locker No.C-7/19 with the second



W.P.(MD) No. 11920 of 2025

WEB COPY

respondent bank, based on the petitioner's representation, dated 09.04.2025.

For petitioner : Mr. P.T.Ramesh Raja
for Mr.P.Suresh

For respondents : Mr.S.Anwar Sameem

ORDER

This Writ Petition is disposed of at the time of admission with the consent of the learned counsel for the petitioner and learned counsel for the respondents.

2. This Writ Petition is filed for a Writ of Mandamus directing the respondents bank to permit the petitioners to operate the bank locker in Locker No.C-7/19 with the second respondent bank, based on the petitioner's representation, dated 09.04.2025.

3. The petitioners claim that they are the only surviving legal heirs of the deceased Velayutham, who was holding the aforesaid bank locker with the second respondent Bank. It is submitted that all the surviving legal heirs as per the Legal Heir Certificate, dated 24.12.2024 are before this Court and therefore, they are



W.P.(MD) No. 11920 of 2025

WEB COPY

entitled to open the locker.

4. The learned counsel for the respondents, on the other hand, submits that the deceased Velayutham had not been given any nomination in favour of any person to operate the locker in his absence.

5. It is submitted that no Will also has been executed in favour of any of the petitioners and therefore, on this ground also relief sought for by the Writ Petitioners cannot be granted.

6. That apart, it is submitted that there is an express bar, particularly, in Section 47ZF of the Banking Regulation Act, 1949, as per which the Bank is not expected to entertain any claim in respect of any safety locker, unless of course, a decree order or certificate or other Authority from the Court of competent jurisdiction relevant to the locker or its content is produced before the Banking company.



W.P.(MD) No. 11920 of 2025

WEB COPY

7. The learned counsel for the petitioner, on the other hand, referred to recent decisions of this Court rendered in similar circumstances in ***R.M. Parvathi, S.Meenakshi, R.M.Kannathal and Valliyammai vs. State Bank of India, vide order dated 21.02.2024 in W.P.(MD) No.3848 of 2024***, wherein taking note of the rigour of Section 45ZF of the Banking Regulation Act, 1949. The court has held as under:

“In this case, not only the wife of the hirer, but the other legal heirs have also joined together and are the petitioners before this Court. If there is no consensus among the legal heirs of the hirer, then the Bank will be justified in insisting on production of Letter of Administration. Where there is no dispute and the legal heirs make a joint request for opening the safety locker and taking the articles kept there in, the bank need not relegate the applicants to go before the competent Court. Such a course of action is unnecessary. The Courts are there to adjudicate disputes. Where there is no dispute and where the interest of the bank is not going to be affected in any manner, the authority need not insist on obtaining Court orders. Be that as it may, now that the petitioners are before this court and it is obvious that there is no dispute among the legal heirs, I permit them to make a joint application before the respondent. The following documents should accompany the said application; a) Death certificate of hirer b) Legal Heir certificate As and when the application is submitted, the same shall be accepted by the respondent.

4. The learned Standing counsel states that the petitioner will have to execute an Indemnity Bond. The other formalities to be stipulated by the respondent shall also be complied with. It is for the petitioner to convince the respondent regarding the identity of the applicants. If any charges are payable, the same shall also be duly



W.P.(MD) No. 11920 of 2025

WEB COPY

remitted. The petitioners shall be permitted to open the locker and also take all the articles kept therein. This writ petition stands allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.”

8. The learned counsel for the respondents Bank has also referred to para 10.2 of the Circular No.NBG/PBU/LIMA-SDL/21, dated 20.01.2022 issued by the SBI/second respondent, which reads as under:

10.2 Access to the Safe Deposit Lockers/Return of Safe Custody Articles (without survivor/nominee clause):

a) In case where deceased locker hirer had not made any nomination or where the joint hirers had not given any mandate that the access may be given to one or more of the survivors by a clear survivorship clause, following procedure may be adopted:

b) In case of death of a sole locker hirer (where there is no nomination) and there is a valid will, probate may be obtained, and access may be given to the executor /administrator. In other cases, access may be given to the legal representative of the deceased. In such cases death certificate and proof of the legal representation should be obtained. The legal representation would be in the form of Probate or Letters of Administration.

c) Where there are joint locker hirers and as per the contract of locker hire, the locker is to be operated jointly and there is no nomination, if one of the hirers dies, access may be given to the survivor jointly with the legal heirs of the deceased hirer.”



W.P.(MD) No. 11920 of 2025

WEB COPY

9. Having considered the submission of the learned counsel for the petitioner and learned counsel for the respondents and taking note of the order of this Court, dated 21.02.2024 in W.P.(MD)No.3848 of 2024 referred to supra and taking note of the purpose for which Section 45ZF of the said Act has been inserted, I am of the view that in absence of the rival claim by a third party, the relief sought for by the petitioners cannot be denied.

10. Only if there were dispute among the legal heirs, who are entitled to succeed to the estate of the deceased bank holder, question of pressing the rigour of Section 45ZF of the said Act and/or Circular No.NBG/PBU/LIMA-SDL/21, dated 20.01.2022 can be countenanced.

11. Since the petitioners are only the legal heirs as per the Legah Heir Certificate, there can be no impediment in allowing the petitioners to open the locker as it is they are entitled to succeed the estate of the deceased account holder Valayutham.



W.P.(MD) No. 11920 of 2025

WEB COPY

12. However, at the time of opening of the locker, inventory shall be taken.

The petitioners shall also execute necessary indemnity bond as may be required by the Bank. The petitioners will have to, however, bear all the incidental charges up to the opening of the locker.

13. This Writ Petition is disposed of, with the above observations. No costs.

W.M.P.(MD) No.8806 of 2025 is allowed.

Index : Yes / No
Internet : Yes / No
apd

16.07.2025

To
1. The Regional Manager,
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Tirunelveli Region,
Tirunelveli.

2. The Branch Manager,
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WEB COPY



W.P.(MD) No. 11920 of 2025

C.SARAVANAN, J.

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W.P.(MD) No. 11920 of 2025

16.07.2025