



W.P(MD)No.29302 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2025

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Petition(MD)No.29302 of 2025

T.Rajammal

... Petitioner

Vs

1.The Tahsildar,
Ilayangudi Taluk Office,
Sivagangai District.

2.The Branch Manager,
Canara Bank,
Gandhiji Road, Paramakudi,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the second respondent to release the amount lying in the account of petitioner's deceased brother namely Sundararaj vide Account No.0919101019200 on the basis of the registered Will vide Doc.No.45 of 2021 in a time bound manner.

For Petitioner : Mr.D.Senthil

For R-1 : Mr.A.Kannan
Additional Government Pleader



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ORDER

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The writ petition has been filed seeking Writ of Mandamus to direct the second respondent to release the amount lying in the account of petitioner's deceased brother namely Sundararaj vide Account No.0919101019200 on the basis of the registered Will vide Doc.No.45 of 2021 in a time bound manner.

2. Heard the learned counsel appearing for the petitioner and Mr.A.Kannan, learned Additional Government Pleader, who takes notice for R1. Since no adverse order is going to be passed against the second respondent, notice to him is dispensed with.

3. By consent, this writ petition is taken up for final disposal at the admission stage itself.

4. It is the case of the petitioner that her brother namely Sundararaj during his lifetime executed a registered 'Will' vide Doc.No.45 of 2021 bequeathing all his immovable properties in favour of the petitioner and her legal heirs and the petitioner's another brother's son. After the death of said Sundararaj, substantial amount were lying in his account maintained in the second respondent bank, to release the same, the petitioner and other



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beneficiaries have sent a representation to the second respondent as per registered 'Will'. However, the second respondent refused to release the amount. Hence, the petitioner is before this Court.

5. The petitioner had invoked the jurisdiction of this Court under Article 226 of the Constitution of India for a direction to the bank on the ground that the bank has not disbursed the amount dues, which are lying to the credit of his deceased brother's account. She claimed right on the basis of “Will”. No statutory duty is being performed by the bank in this regard as it is a purely contractual relationship of a customer and the banker. That apart, the petitioner has to first of all establish her right to claim the amount in question that are lying with the second respondent bank in her late brother's name. The same has to be done only by approaching the civil Court, on this ground, the writ petition would not lie. Therefore, the Writ Petition is dismissed. It is needless to state that the petitioner has remedy to approach the jurisdictional Court under the Indian Succession Act for appropriate remedy. No costs.

17.10.2025

NCC : Yes/No

Index : Yes/No

Internet: Yes

Rmk



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To

- 1.The Tahsildar,
Ilayangudi Taluk Office,
Sivagangai District.



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P.T.ASHA, J.

Rmk

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