

W.P.(MD)No.11432 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.04.2026

CORAM :

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD)No.11432 of 2023

and

W.M.P.(MD)No.9900 of 2023

R.Vaithilingam

... Petitioner

Vs.

1.The Senior Superintendent of Post Offices,
Office of the Senior Superintendent of Post Offices,
Virudhunagar Division,
Virudhunagar Town and District.

2.The Sub Post Master,
Muhavur Post Office,
Muhavur,
Rajapalayam Taluk,
Virudhunagar District.

3.Veeralakshmi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order made in No.L5/SB Claim/Muhavur SOdlgs dated 28.04.2023 on the file of the first respondent and quash the same and consequently directing the respondents 1 and 2 herein to disburse the amount of Rs.4,50,000/- (Four Lakhs Fifty Thousand Only) deposited by the petitioner's father in savings account bearing SB No:2839515731 of the second respondent Post Office to the petitioner.



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For Petitioner : Mr.M.Thirunavukkarasu
For R1 and R2 : Mr.K.Govindarajan
Deputy Solicitor General of India

ORDER

The writ petition has been filed challenging the impugned order dated 28.04.2023 passed by the first respondent and consequently seeking a direction to the respondents 1 and 2 to disburse a sum of Rs.4,50,000/- deposited by the petitioner's father in Savings Bank Account No.2839515731.

2. The case of the petitioner is that the said account was jointly opened by his father, Ramasamy, and his mother, Anna Lakshmi, and that the said amount was deposited therein. Anna Lakshmi died on 18.11.2010, and the petitioner's father died on 06.06.2020. Based on the death certificates and the legal heirship certificate, the petitioner claims to be the sole surviving legal heir, being the son of the deceased.

3. It is further stated that the third respondent, namely, Veeralakshmi, attempted to withdraw the said amount by making a false claim, which led the petitioner to lodge a police complaint.



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4. When the petitioner requested disbursement of the amount, the impugned order was passed rejecting the request on the ground that the third respondent had been nominated by the petitioner's father. It was stated that in the presence of a nominee, the amount cannot be released to others, and the petitioner was advised to approach the competent Court for appropriate relief. Challenging the same, the present writ petition has been filed.

5. The petitioner contends that the third respondent is a stranger and that the respondents cannot insist on a succession certificate, particularly, when she is not the legally wedded spouse of his father.

6. Per contra, the records indicate that after the demise of the petitioner's mother in 2010, the petitioner's father had nominated the third respondent and described her as his 'wife'. Therefore, the said contention cannot be accepted. However, notice was ordered in the writ petition and duly served, but the third respondent did not contest the matter.

7. A memo has been filed on behalf of the petitioner stating that the third respondent died on 10.01.2025 and that she has no legal heirs. In such circumstances, there is no impediment to releasing the amount to the petitioner,



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and in the absence of any rival claim, the parties need not be relegated to a civil court for obtaining a succession certificate.

8. In view of the above, while finding no error in the impugned order, the writ petition is disposed of on the following terms:-

(i) The petitioner shall submit a fresh representation along with a web copy of this order, indicating the death of the third respondent.

(ii) The respondents 1 and 2 shall conduct a field-level enquiry to ascertain whether the said Veeralakshmi has any legal heirs. If none are found, the amount shall be released to the petitioner. If any legal heir exists and a dispute arises, it is open to the petitioner to approach the competent civil court for a succession certificate.

(iii) If the amount is not released, the respondents shall inform the petitioner in writing about the existence of any such legal heir.

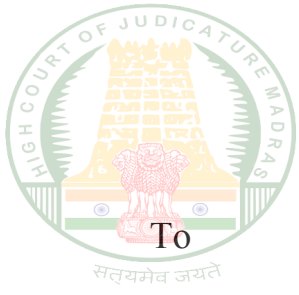
(iv) The above exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

(v) No costs. Consequently, the connected miscellaneous petition is closed.

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NCC : No
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D.BHARATHA CHAKRAVARTHY, J.

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