

W.P.(MD)No.31037 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.31037 of 2024

1.Karunanathan

2.Susila

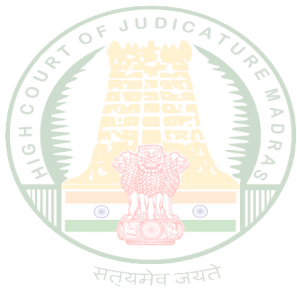
: Petitioners

Vs.

1. The Secretary to Government of India,
Department of Financial Services,
Ministry of Finance,
Jeevan Deep Building,
Sansad Marg,
New Delhi 110 001.

2. The Regional Director,
Reserve Bank of India,
Chennai,
No.16, Rajaji Salai,
Parrys, Chennai 600 001.

3. The Chairman,
Tamil Nadu Grama Bank,
Head Office,
No. 6, Yercaud Road,
Hasthampatty,
Salem 636 007.



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4. The Branch Manager,
Tamil Nadu Grama Bank,
Kalakad Branch,
72A/8, Cheranmahadevi Main Road,
Kalakad 627501.

: Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned letter dated 13.09.2024 issued by the 4th respondent thereby refused to consider the claim of petitioners to close the savings account No. 10058222514 and direct them to get an appropriate court order for appointment of curator empowering to deal with the said saving account No. 10058222514 on behalf of petitioners and quash the same and direct the 4th respondent to close petitioners savings account No. 10058222514 and thereby enabling the petitioners to withdraw the amount lying in their savings account No. 10058222514.

For Petitioner : Mr.S.Pushpakaran

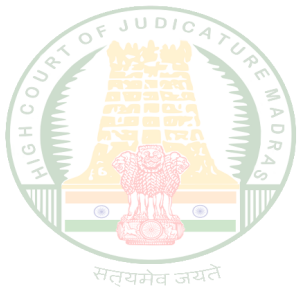
For Respondents : Mr.Abinarayanaram for R1

Mr.M.Thirunavukarasu for R4

for Mr.S.Muralitharan

ORDER

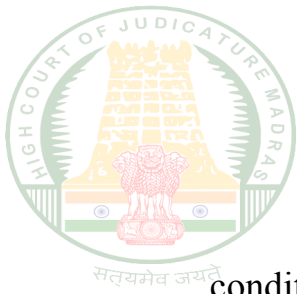
Challenging the refusal letter dated 13.09.2014 issued by the fourth respondent, the present writ petition has been filed by the petitioners.

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2. The petitioners, husband and wife, hold several fixed deposits together totaling Rs. 16,76,505/-, all of which matured in 2023. The petitioners' case is that due to their old age, they instructed their son, K.Thiagaraja Marthandan, to take the necessary steps to withdraw the amounts from the fixed deposits. However, the respondent bank refused to allow the withdrawal and insisted on a medical examination of the petitioners in the presence of the fourth respondent. The main grievance of the petitioners is that, the fixed deposit amounts were unilaterally transferred into their savings account without informing them and the respondent bank is not permitting them to withdraw the maturity amounts of the fixed deposits to meet their medical exigencies. Hence, this writ petition.

3. Per contra, the learned counsel appearing on behalf of the fourth respondent bank submitted that the fixed deposit was closed and the amounts transferred to the savings account of the deposit holders solely based on the requisition of the petitioners' son and after following the due procedure. Furthermore, the doctor who examined the petitioners refused to issue a certificate regarding their mental and physical



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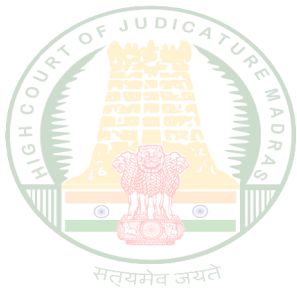
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condition and another doctor who issued a certificate after examining the petitioners declined to certify their sound state of mind.

4. A detailed counter-affidavit has also been filed by the fourth respondent and the relevant portions are extracted hereunder:

“3) I submit that the Petitioners had 2 Sons named K.Raja Marthandan and K.Thiayaraja Marthandam as well as a daughter. The Son K.Rajaram Marthandan is residing at another place of Kalakad from his birth place. The another son K.Thiayaraja Marthandam is residing at Kodambakkam, Chennai. The Daughter is residing at Thirunelveli. While facts are so, both of the Petitioners had deposited by several FD's as either or survival scheme. One of the Petitioner Karunanathan had deposited a few one and nominated one of his Son K.Rajaram Marthandan as nominee, Like-wise, one of his Son K.RajaramMarthandam had also deposited a few FD's and put his Wife as a Nominee.

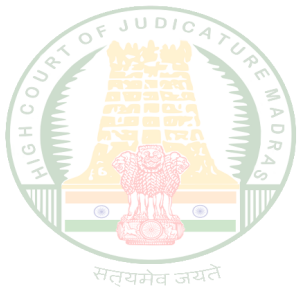
4) I submit that one of his sons / another customer of the bank named K.Rajaram Marthandan came to the bank on 04.12.2023 and requested the bank officials to close the FDs of his Parents / Petitioners. Usual procedures of the deposit



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closure of FD is that the bank firstly close the FD and transfer the same to the saving account of the deposit holder and then the deposit holder withdraw the same from he/she's savings account. As per the above said procedure of the bank, the bank, firstly close the FD of the petitioners and transfer the same to their saving account. At the time, when the bank compared the signatures on the FD bond for the closure of FD's / requisition letter for closure of savings account, the signatures of the petitioners are not tallied with their specified signature, hence, the bank manager intended to see the petitioner in order to know their intention pertaining to the closure and withdrawal of their FD amount as well as check their signature, The next day itself as a role of Bank Manager I visited the house of the petitioners and asked them to affix their signature as well as put their impression, they are unable to do so. After that, a doctor was arranged by the sons of the petitioners to check both the mental and health conditions of the petitioners and at the time of inspection of the doctor one of the son of the petitioners / one of the customers of the bank named K. RajaramMarthandam also present. After inspection of the petitioners and perusal of previous medical records and



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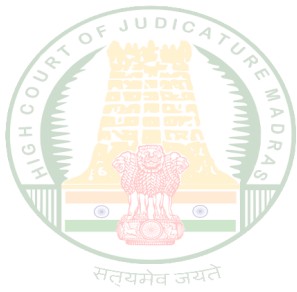
medicine prescribed by other doctors, the doctors refused to issue the certificate for his mental as well as physical condition. At the time, the son of the petitioners, K.Rajaram Marthandan requested the doctor to speak with her sister, a siddha doctor and the same was accepted by the doctor and after speaking with the siddha doctor, the daughter of the petitioner, the doctor refused to issue the certificate at the time of inspection,

5) I submit that in a later time, the certificate of the doctor pertaining to the physical condition of the petitioners, dated 26.12.2023 was produced by one of the son of the petitioners of the bank named K.Rajaram Marthandan. On perusal of it, both by the manager as well as by the above said K.Rajaram Marthandan it was revealed as follows:

a. Cirnonary Artery Heart Diseases

b. Aged related weakness of limbs

and they are unable to put their signature. But the doctors refused to certify about the sound state of mind conditions of the petitioners. The Medical Certificate of the Doctor itself proved that the signature of the petitioner in the closure form of the FD is a forged one. Hence, I instructed one of the son of



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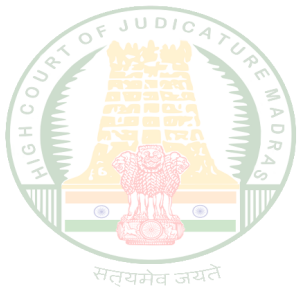
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the petitioners / one of the customers of the bank named K.Rajaram Marthandan, to get an appropriate court order for appointment of curator empowering to deal with the withdrawal of the amount of the petitioners in their savings account.

6) I pertinent to submit that on knowing and understanding the real facts of his parent's mental condition pertaining to their sound mind conditions of the petitioners as well as their physical condition, which is unable to them to put either their signatures as well as thumb impression, the above said son of the petitioners abandoned his steps for the withdrawal of his parents / petitioners' amount from their SB Account except through court of law.

7) I further submit that above said K.Rajaram Marthandan had retained his FD amounts in the bank. If really there is any mistake on the part of the bank, then he himself withdraw his deposited amount. That itself proves that the petitioners are not in a sound state of mind.

8) I submit that while the facts are so, another son of the petitioners named K.Thiayagarajan Marthandam approached the bank and told the manager to close the SB Accounts of his



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parents and transferred the same to his SB Account Number which he had in another bank in an illegal manner, and the bank had not accepted the same. After that, he shouted in an arrogant manner that he had all rights to receive his deposit amount of his parents and he, likewise received the amount from the other banks. The atrocious act of him also proves a suspicious about the signature of his parents in the closure slip of the deposit amount of his parents...”

5. The learned counsel for the fourth respondent further submitted that, due to rival claims over the amounts in the fixed deposits, the bank is not in a position to close the accounts and accordingly, sought the dismissal of this writ petition.

6. Heard the learned counsel on either side and perused the materials available on record.

7. Upon careful perusal of the records, it appears that the petitioners had two sons and a daughter. One of the petitioners, namely Karunanathan, had nominated his son, K. Rajaram Marthandan, as the nominee in a few fixed deposits. Rajaram Marthandan, subsequently,

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requested the bank officials to close the fixed deposits of the petitioners.

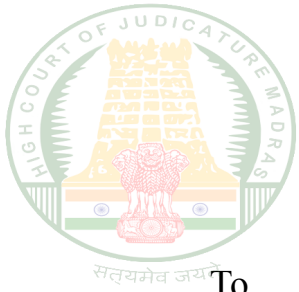
Meanwhile, another son, K.Thiagarajan Marthandan, approached the respondent bank to close his parents' savings bank accounts and transfer the funds to his own savings account. On a previous occasion, one of the petitioners' sons had also sent a letter dated 03.09.2024, seeking the closure of the savings account. In response, the respondent bank clarified that such a request would be considered only after the appointment of a curator for the petitioners and that the closure of the savings account would proceed only by following due procedure. However, neither the petitioners nor their legal heirs have taken any action in this regard. Therefore, this Court finds no irregularity or illegality in the impugned letter issued by the fourth respondent and accordingly, this writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes / No

Internet : Yes / No

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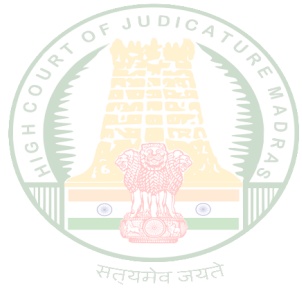
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To

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2. The Regional Director,
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VIVEK KUMAR SINGH, J.

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