

WP(C) 1543/2007

BEFORE

THE HON'BLE MR JUSTICE D. BISWAS,
CHIEF JUSTICE(ACTG.)

THE HON'BLR MR JUSTICE B.P.KATAKEY

By this writ petition the petitioners are seeking a direction to the State Bank of India to release the amount kept in deposit at Tongla Branch of the SBI pursuant to the order passed by this court dated 20.5.98 in Civil Rule No.668/98 whereby the Union of India was directed to deposit a sum of Rs.2 lakhs (Rupees two lakhs) only in the name of the petitioners therein (Petitioner Nos.1, 2,4 and the husband of petitioner No.3 in the present writ petition) in a nationalized bank allowing them to withdraw a sum of Rs.1 lakh(Rupees one lakh) only out of the said deposit.

2. We have heard Mr AK Sarkar, learned counsel for the writ petitioners; Mr H. Rahman, learned Asstt.SGI and Mr BJ Talukdar, learned State counsel.

3. It is evident from the order dated 20.5.98 passed in CR No.668/98 as well as the statements made in the writ petition that an amount of Rs.1 lakh has been kept in deposit at Tongla Branch of the State Bank of India pursuant to the direction contained in the said judgment. As the bank authority is not allowing the present writ petitioners to withdraw the rest amount of Rs.1 lakh with interest accrued thereon in the absence of any specific order from this court, they have filed this petition seeking a direction to allow them to withdraw the said amount with interest accrued thereon.

4. Considering the averments made in the writ petition as well as upon hearing the learned counsel for the parties, we direct the bank authority to release the remaining amount of Rs.1 lakh with interest accrued thereon to the petitioners. However, the bank authority, before releasing the said amount, shall obtain the succession certificate from the petitioners as Sri Jayanta Choudhury, who was one of the petitioners in the earlier writ petition has, in the meantime, expired. The amount shall be released to the present petitioners and also to the legal heirs, if any, of Sri Jayanta Choudhury.

5. The writ petition accordingly stands disposed of.