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**(2003) 12 AP CK 0068**

**In the Andhra Pradesh High Court**

**Case No : Writ Petition No. 11737 of 2003**

S. Prabhavathi

APPELLANT

Vs

Superintendent of Post Office

RESPONDENT

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**Date of Decision : 11-12-2003**

**Acts Referred:**

National Saving Certificate Rules, 1981 — Rule 43(3)

**Citation : (2004) 3 ALD 149**

**Hon'ble Judges : A. Gopal Reddy, J**

**Bench : Single Bench**

**Advocate : V.R. Reddy Kovvuri, for the Appellant; Deepak Bhattacharjee, for the Respondent**

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**Judgement**

A. Gopal Reddy, J.—The petitioner claims to be a nominee of two Kisan Vikas Patras of Rs. 50,000/- denomination each, deposited by her mother-in-law, late Smt. Subbalakshmi, on 30-5-1995, which would be matured by 30.9.2001.

2. It is stated that late Subbalakshmi obtained two Kisan Vikas Patras showing the petitioner and her father-in-law, late Anjaneyulu who is the husband of the investor, as nominees. Subsequently, her father-in-law died on 8-12-1995 and mother-in-law died on 14-7-1996, much prior to the maturity of the Kisan Vikas Patras. The petitioner went to her parents house in the month of January, 2001. At that time, the said Vikas Patras were taken away by the sister of her husband. A complaint was lodged by the petitioner to the police about the missing of Vikas Patras and also gold ornaments and the police after investigation, closed the same as a family dispute. When the petitioner approached the respondent seeking for issue of duplicate certificates, the respondent has not taken any action. Thereafter, the petitioner approached the Legal Services Authority, Cuddapah before whom, the respondent filed the counter stating that Smt. Indira Devi, in whose possession, the Vikas Patras are available, is not the nominee and the petitioner alone is entitled to receive the maturity amount. On that, the Legal Services Authority disposed of the application directing the petitioner to approach

the appropriate forum. In view of the same, the present writ petition is filed.

3. The respondent filed the counter admitting about the purchase of Kisan Vikas Patras by late Smt. Subbalakshmi in Cuddapah Head Post Office under registration Nos. 16660 and 16661 nominating the petitioner and her father-in-law who is the husband of the investor. One Smt. Indira Devi, divorced daughter of the investor through her representation informed the Post Master that she is having Kisan Vikas Patras bearing Nos. 461825 and 461825, dated 30-9-1995 in her custody and requested not to issue any duplicates to anybody. In the light of the instructions issued by the Regional Office, Kurnool, the petitioner was informed that it would not be possible to issue duplicates and the original Vikas Patras are available with Smt. Indira Devi and requested to obtain the same and prefer the claim.

4. The learned Counsel for the petitioner submits that under the provisions of Sub-rule 3 of Rule 43 of National Savings Certificates Rules 1981, when once the petitioner informed that she is entitled to receive the amounts, the respondent is under obligation to issue notice to the unauthorized person in whose possession, the certificates are available, to the effect that a duplicate certificate will be issued unless he/she produces within a period of one month an order of a competent Court restraining such an issue. Without following the procedure contemplated under the above provisions, the respondent is dodging the matter.

5. On the other hand, it is contended by the learned Standing Counsel for the respondent that since the certificates are not lost and the holder of the certificates, is not reporting the falling of the certificates in the hands of the unauthorized person, the Department cannot issue such notice.

6. Admittedly, the Investor and the other nominee died and that the petitioner alone is the nominee and she is entitled to receive the maturity amount. In this view of the matter, the respondent is directed to issue notice to the unauthorized person in whose possession, the Vikas Patras are available and act accordingly as contemplated under the provisions of Sub-rule (3) of Rule 43 of the National Savings Certificates Rules, 1981. This exercise shall be completed within a period of two (2) months from the date of receipt of copy of this order.

7. With the above direction, this writ petition is disposed of. No costs.