

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.11068 of 2015

and

M.P.No.1 of 2015

T.Suseela

... Petitioner

Vs.

M/s. Thyagarayanagar Co-operative Bank Ltd.,
Rep. by its Secretary,
No.5, Doraiswami Road,
Thyagarayanagar,
Chennai - 17.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to consider the representation submitted by the petitioner dated 10.04.2015 and consequential relief to direct the respondent to return the original documents such as 1) Sale Deed Doc.No.719/1983, 2) Original Patta in favour of the petitioner and other connected papers which was under the custody of the respondent without insisting No Objection Letter from the petitioner's daughters or their signature and also to execute Deed of Discharge in favour of the petitioner.

For Petitioner : Mr.T.Ramachandran

O R D E R

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner claims that she is the absolute owner of the property bearing New No.8, Old No.14, Plot No.62, Astalakshmi Nagar 4th Street, Velachery, Chennai - 42, by virtue of a Sale Deed registered as Doc.No.719/1983, S.R.O. Joint-II, Saidapet and she has availed loan of mortgage on 22.07.2010 to the tune of Rs.5,00,000/- from the respondent and a registered Mortgage Deed was also executed in her favour. The petitioner would further

state that she had discharged the entire loan amount and the subsequent interest on 08.04.2015 and in spite of it, the original documents viz., 1) Sale Deed Doc.No.719/1983 and 2) the original Patta No.3927 deposited by the petitioner have not been returned to the petitioner. In this regard, the petitioner has also submitted a representation dated 10.04.2015 and since she has not been favoured with any response, she came forward to file this writ petition.

3. Mr.T.Ramachandran, learned counsel appearing for the petitioner has drawn the attention of this Court to the affidavit and typed set of papers and would submit that in the light of the limited prayer sought for by the petitioner, there may not be any impediment to the respondent to consider the representation submitted by the petitioner and to return the original documents such as 1) Sale Deed Doc.No.719/1983, 2) Original Patta in favour of the petitioner and other connected papers.

4. This Court, taking into consideration the limited scope of prayer sought for by the petitioner, directs the respondent to consider the representation dated 10.04.2015 submitted by the petitioner for return of original documents and pass orders on merits and in accordance with law, as expeditiously as possible, not later than four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

5. This Writ Petition is disposed of accordingly. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Jrl

To

The Secretary,
M/s. Thyagarayanagar Co-operative Bank Ltd.,
No.5, Doraiswami Road,
Thyagarayanagar,
Chennai - 17.

+1cc to Mr.T.Ramachandran, Advocate, S.R.No.20811

W.P.No.11068 of 2015

AD(CO)
CA(11/05/2015)