

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03.11.2015

C O R A M

THE HONOURABLE MR.JUSTICE M.M. SUNDRESH

W.P.No.32502 of 2015

C. Balakrishnan

...Petitioner

Vs.

The Manager,
LIC Housing Finance Limited,
1st Floor, KVP Arcade,
599-B, Perundurai Road,
Erode - 638 011.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondent to return the original title deed dated 21.11.1984 registered as document No.4316/1984 on the file of SRO, Erode and other documents to the petitioner herein, who is the legal owner under a registered deed of settlement dated 27.05.2011, registered as document No.3131 of 2011 on the file of SRO, Erode.

For Petitioner : Mr.R. Kannan

For Respondent : Mr.E. Om Prakash
for M/s. Ramalingam Associates

ORDER

By consent of both parties, the matter is taken up for final disposal.

2. This Writ Petition is filed for issuance of a Writ of Mandamus directing the respondent to return the original title deed dated 21.11.1984 registered as document No.4316/1984 on the file of SRO, Erode and other documents to the petitioner herein, who is the legal owner under a registered deed of settlement dated 27.05.2011, registered as document No.3131 of 2011 on the file of SRO, Erode.

3. The property in question, which is the subject matter of document No.4316/84 originally belonged to the father of the petitioner. It was settled in favour of the petitioner under a

registered settlement deed dated 27.05.2011, registered as document No.3131 of 2011 on the file of SRO, Erode.

4. The petitioner cleared the entire loan on 12.12.2014 and thereafter, he sought for return of the original documents. But, it was not considered on the ground that during the pendency of the mortgage, the petitioner obtained the settlement deed.

5. The stand taken by the respondent cannot be accepted and the execution of the mortgage deed cannot be termed as a transfer of title as the mortgagee / respondent has got certain rights under the Transfer of Property Act. In the case on hand, in pursuant to settlement deed entire dues have been cleared. Thus, either on facts or on law, the respondent cannot deny the return of original document, viz., the original sale deed dated 21.11.1984.

Accordingly, writ petition stands allowed and the respondent is directed to release the original sale deed dated 21.11.1984 to the petitioner within a period of two weeks.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

gv

To

The Manager,
LIC Housing Finance Limited,
1st Floor, KVP Arcade,
599-B, Perundurai Road,
Erode - 638 011.

+1 cc to M/s.R.Kannan, Advocate, sr.60229

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