

**THE HON'BLE SRI JUSTICE R. SUBHASH REDDY
AND
THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA**

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WRIT PETITION No.34065 OF 2015
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ORDER: (Per Hon'ble Sri Justice R. Subhash Reddy)

This Writ Petition is filed seeking to declare the action of respondent No.3 in not accepting for clearance of entire outstanding amount and in not releasing the petitioner's registered sale deeds along with the documents, which are given as security to the Bank while obtaining loan in Account Nos.11505555890 and 11505555903, as illegal and arbitrary and consequently, to direct respondent No.3 to accept the proposal made by the petitioner for payment of entire outstanding amount to the Bank and release the petitioner's property documents at the earliest possible time.

Petitioner has availed housing loan and other loans under different accounts from the respondent – Bank. With reference to two loan accounts, house property of the petitioner was given as security.

In this Writ Petition, it is the grievance of the petitioner that though she is ready to clear the outstanding amount in the aforesaid two loan accounts, the respondent - Bank is not accepting such offer and is not releasing the registered sale deeds and link documents, which are given as security while obtaining loan under the

aforesaid two loan accounts.

Detailed counter affidavit is filed on behalf of the respondent – Bank. While denying the various allegations made by the petitioner, it is stated that there are altogether five loan accounts of the petitioner in the respondent – Bank, in which, the total amount due is Rs.41,09,861/- as on 31.10.2015. It is further stated that the respondent – Bank is empowered to exercise the right of lien over the title deeds with regard to other loan accounts where the property is not given as security and as such, petitioner is not entitled to seek return of the documents by clearing the outstanding amount only in Account Nos.11505555890 and 11505555903.

No reply affidavit is filed by the petitioner disputing the averments made in the counter affidavit.

From a perusal of the averments in the counter affidavit, it is clear that there are five loan accounts of the petitioner in the respondent – Bank. While it is true that only with reference to two loan accounts, house property of the petitioner is given as security along with link documents, at the same time, as the respondent – Bank can exercise right of lien over the title deeds with regard to other loan accounts also, no direction can be granted as prayed for, for release of the documents on clearing the entire debt in two loan accounts. However, it is made clear

that if the petitioner makes any representation for repaying the amount due, this order will not preclude the respondent – Bank from considering the same and passing appropriate orders.

Accordingly, the Writ Petition is dismissed. Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand closed. No costs.

R. SUBHASH

REDDY, J

A. SHANKAR

NARAYANA, J

December 21, 2015

MD