

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 15.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.20188/2016 & WMP.No.17366/2016

1.Farzana
2.Zulekha Reshma
3.Ameena
(Rep by their power Agent
S.Fairose Ali Khan

Petitioners

Versus

1.The General Manager
Asset Recovery Management Branch-I
Indian Bank, Circle Office Buildings
No.55, Ethiraj Salai, Chennai 600008.
2.The Assistant General Manager
Asset Recovery Management Branch-I
Indian Bank, Circle Office Buildings
No.55, Ethiraj Salai, Chennai 600008.
3.The Chief Manager
Asset Recovery Management Branch-I
Indian Bank, Circle Office Buildings
No.55, Ethiraj Salai, Chennai 600008.
4.The Branch Manager
Triplicane Branch, Indian Bank
Chennai 600005.
5.M.A.Khaleel @ Smak.Rahman
Proprietor, M/s.Yacoob Industries
No.2/3, Sakthi Sai Ram II Cross St.,
Ganapathy Nagar, Alappakkam
Chennai 116.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the 1st respondent to hand over all the original title documents and other documents in respect of the property of vacant site bearing Plot No.77, Bose Street, Krishnamurthy Nagar, Kodungaiyur village, Chennai-600118, comprised in Survey No.166/1-C and as per patta No.683, the present S.No.166/1C1A8

in all measuring 1800 sq.ft. of vacant land with a shed in an extent of 1000 sq.ft. and electricity service connection with all easementary rights, pathways, and situated within the Registration District of Chennai-North and Sub Registration of District of Madhavaram to the petitioners [as they are owners of the above said property] which are all deposited by the 5th respondent to the 4th respondent as security for grant of loan to the 5th respondent.

For Petitioners : Mr.A.Ilaya Perumal
For RR 1 to 4 : Mr.Jayesh B.Dolia

ORDER

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

2 The petitioner would state that Thiru Ghouse - husband of the 1st petitioner and father of the petitioners 2 and 3, had purchased a housing site bearing Plot No.77, Bose Street, Krishnamurthy Nagar, Kodungaiyur village, Chennai-600118, comprised in Old Survey No.166/1-C, New Survey No.166/1C1A8, Patta No.683 and the said property was purchased by means of a registered Sale Deed dated 19.04.2001 bearing Document No.2719/2001 [SRO, Sembium] from one M.A.Khaleel. The petitioners, after purchase, came to know that prior to the sale, the said Khaleel had already deposited the title deeds with the Indian Bank, Triplicane Branch, and obtained loan and on account of the non-payment, action was initiated under the provisions of SARFAESI Act. The petitioners would claim that they had discharged the loan amount payable by the said Khaleel through their Power of Attorney agent, viz., Feroz Ali Khan. The grievance expressed by the petitioners is that despite clearance of the loan, the Bank did not chose to return the title deeds. In this regard, the petitioners have submitted a representation dated 23.03.2016 to the respondents 1 to 3 and since no orders have been passed, they came forward to file the present writ petition.

3 Heard the submissions of the learned counsel for the petitioner and Mr.Jayesh B.Dolia, learned counsel who accepts notice on behalf of the respondents 1 to 4.

4 Though the petitioners have prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioners either in this writ petition or in the representation, directs the 1st respondent to consider and dispose of the petitioners' representation dated 23.03.2016, on merits and in accordance with law and pass orders within a

period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners.

5 The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

-s/d-
Assistant Registrar (CS-VII)

True Copy

Sub-Assistant Registrar

AP
To

- 1.The General Manager
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Indian Bank, Circle Office Buildings
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- 2.The Assistant General Manager
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- 4.The Branch Manager
Triplicane Branch, Indian Bank
Chennai 600005.

+1 cc to M/s.A.Ilayaperumal Advocate sr.32612

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