



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2016

CORAM:

THE HONOURABLE **MR.SANJAY KISHAN KAUL, CHIEF JUSTICE**

AND

THE HONOURABLE **MR.JUSTICE NOOTY.RAMAMOHANA RAO**

W.P.(MD).Nos.16137 and 16138 of 2015

R.Vasanth

: Petitioner

Vs.

1.The Authorized Officer,
M/s.Syndicate Bank,
Head Office, Door Nos.16/355&16/365A,
Manipal 576 104.

2.The Branch Manager,
M/s.Syndicate Bank,
Branch Office, No.656/1544, Tenkasi Road,
Rajapalayam 626 117.

: Respondents

PRAYER in W.P(MD).No.16137 of 2015: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to release/return the Original Title Deeds with regard to the Schedule Property that have been deposited by the petitioner under the Agreement relating to Deposit of Title Deeds dated 04.10.2006, registered as Document No.3634 of 2006, on the file of the Sub-Registrar, Rajapalayam, to the petitioner as the same has been discharged by the respondents in terms of the receipt dated 27.03.2014, registered as Document No.1304 of 2014, on the file of the Sub-Registrar, Rajapalayam.

PRAYER in W.P(MD).No.16138 of 2015: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration declaring that the petitioner has ceased to be the Guarantor to the respondents in respect of the loan availed by Mr.R.Ravikumar, sole proprietor of M/s.Amirtha Tex, as the liability of the petitioner as a guarantor has been discharged in view of the letter dated 19.03.2014 issued by the respondent bank, confirming that the said loan account has been closed.

For Petitioner : Mr.D.R.Raghunath

For Respondents : Mr.K.R.Laxman

**COMMON ORDER**

[Order of the Court was made by The Hon'ble The Chief Justice]
The petitioner, a guarantor and the wife of the borrower, is seeking certain directions for release of documents from the bank predicated on a plea that she stands discharged as a guarantor.

2. Learned counsel for the respondents states that the aforesaid is not the correct position, as the discharge was qua a part of the loan, which was satisfied under one time settlement, against which title documents were returned. But, the balance amount under one time settlement has not been paid and the one time settlement stands cancelled. Not only that, he submits that the Original Application in O.A.No.198 of 2015 is pending before the Debts Recovery Tribunal, wherein interim orders have been granted in respect of which, the bank has also moved an application for vacating the interim order.

3. We are in agreement with the submission of the learned counsel for the bank that in such a situation, there is no question of entertaining the present Writ Petition under Article 226 of the Constitution of India. It is for the petitioner to seek whatever relief, if she desires, before the Debts Recovery Tribunal.

4. The Writ Petitions are dismissed. No costs.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

+one cc to M/s.R.Pandivel, Advocate in SR.No.29690

NB/RSB

CSL/ARK-PV/23.06.2016 : 2P/2C

**COMMON ORDER MADE IN
W.P. (MD) .Nos.16137 and 16138 of 2015
10.06.2016**