



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2016

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P (MD) No.15592 of 2016

G.S.Dawood

... Petitioner

Vs.

1.The District Collector,
Thanjavur District.2.The Project Officer,
Mahalir Thittam,
Perambalur.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the Respondents to forthwith release the original title deeds pertaining to the Petitioner Housing Building Loan consisting of the property comprised in Survey No.251/2 plot bearing No.136 situated at Karunavathi Ambal Nagar, Nanjikottai Road, Thanjavur District and on the basis of the Petitioner's representation, dated 05.08.2016.

For Petitioner : Mr.B.Jameel Arasu

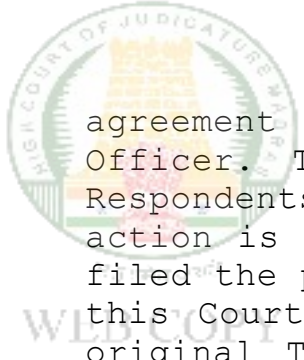
For Respondents : Mr.S.Kumar,
Additional Government Pleader

O R D E R

Heard both sides. By consent, the main Writ Petition itself is taken up for final disposal.

2. No counter-affidavit is filed on behalf of the Respondents.

3. According to the Petitioner, he was working as Assistant in the Office of the Divisional Development Officer's Office at Thanjavur. He had applied before the First Respondent/District Collector, Thanjavur, seeking Housing Loan for construction of a House in the Plot bearing No.136 comprised in Survey No.251.2 in the plot bearing No.136 situated at Karunavathi Ambal Nagar, Nanjikottai Road, Thanjavur District. Accordingly, Housing Loan was sanctioned initially to him viz., a sum of Rs.34,000/-. The said loan amount was paid by him in three installments. He paid a sum of Rs.10,200/- towards first installment and a sum of Rs.10,200/- towards second installment. In respect of third installment, he had paid a sum of Rs.10,200/-. In all, he had made payments amounting to Rs.34,000/-. He had executed an

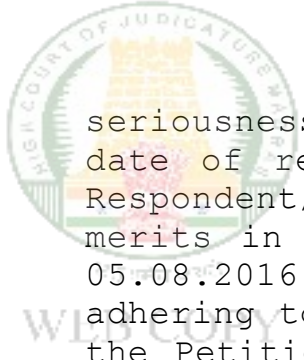


agreement in Form No.V, which was also accepted by the Treasury Officer. Thereafter, he sent a detailed representation to the Respondents to release the Petitioner's documents. However, no action is taken by the Respondents in this regard. Hence, he has filed the present Writ Petition praying for passing of an order by this Court in directing the Respondents forthwith to release his original Title Deeds pertaining to his House Building Loan with regard to the property in Survey No.251/2 in the plot bearing No.136 situated at Karunavathi Ambal Nagar, Nanjikottai Road, Thanjavur District, based on his representation, dated 05.08.2016.

4. At this stage, this Court relevantly points out that the Joint Director/Project Officer, Mahalit Thittam, Perambalur, had addressed a communication to the First Respondent/District Collector(Development), Perambalur, dated 20.07.2015, whereby and whereunder, he had inter alia mentioned that the loan of the Petitioner was closed and since the Petitioner had sought for return of original documents, the letter of the Petitioner, dated 02.07.2015 and the copies of documents were transmitted for taking necessary action.

5. The Learned Counsel for the Petitioner heavily relies on the averments made in the communication of the Joint Director/Project Officer, Mahalir Thittam, Perambalur, dated 20.07.2015, whereby and whereunder, it was categorically mentioned that the loan of the petitioner was closed etc., and based on that, a plea is projected before this Court on behalf of the Petitioner that the Petitioner is entitled to get back his original title deeds pertaining to his House Building Loan, in the subject matter in issue.

6. Considering the fact that the petitioner's loan had come to an end as seen from the communication of the Joint Director/Project Officer, Mahalir Thittam, Perambalur, dated 20.07.2015, addressed to the First Respondent/District Collector (Development) Perambalur, this Court is of the considered view that after repayment of loan amount by the Mortgagor to the Mortgagee, under the Transfer of Property Act, 1882, it is the duty of the Mortgagee to return back the original documents/title deeds in respect of the property for which loan was obtained by the Mortgagor and the said return of documents/title deeds, ought to have been returned by the Mortgagee soon after the repayment of mortgage amount(including the principal as well as interest). Unfortunately, in the present case, it is the stand of the Petitioner that even after the repayment of loan by the Petitioner and his loan amount being wiped out, yet, the original documents viz., the title deeds were not returned by the First Respondent/District Collector, Thanjavur. As such, this Court <https://hccasescourts.gov.in/cases/>, fair play, good conscience and even as a matter of prudence, directs the First Respondent to look into the representation of the Petitioner, dated 05.08.2016 with all



seriousness and earnestness, within a period of two weeks from the date of receipt of a copy of this Order. Thereafter, the First Respondent/District Collector, Thanjavur, is to pass order on merits in respect of the representation of the Petitioner, dated 05.08.2016 by passing a reasoned speaking order (Of course after adhering to the Principles of Natural Justice by issuing notice to the Petitioner and others concerned if any, who are interested in the subject matter in issue). In case, the First Respondent is in need of any copy of relevant records/certified copy of documents, as the case may be, then, it is open to the First Respondent to call for such records/documents from the possession of the Petitioner by means of issuance of memo/notice and soon after receipt of such memo/notice, it is incumbent on the part of the Petitioner to comply with the plea/request made by the First Respondent without any haziness or hesitation, as expeditiously as possible, so as to enable the First Respondent/District Collector, Thanjavur, to do the needful, within the time adumbrated by this Court, as stated supra. Needless for this Court to make a significant mention that the Petitioner is to render his assistance and instinted co-operation to the Respondent in the subject matter in issue. In case, if the Petitioner is liable to pay any amount either towards principal or towards interest as due amount in respect of House Building Loan in question, then, it is open to the First Respondent/District Collector, Thanjavur, to quantify the same and to send a communication to the Petitioner giving necessary time to pay the amount. In case the Petitioner pays the amount, the First Respondent shall pass necessary orders in the subject matter in issue, within the time as afore stated.

With the above said Direction(s)/Observation(s), this Writ Petition stands disposed of. No Costs.

Sd/-

Assistant Registrar(CS II)

/True copy/

Sub Assistant Registrar

To

- 1.The District Collector, Thanjavur District.
- 2.The Project Officer, Mahalir Thittam,Perambalur.

+1cc to Mr.B.Jameel Arasu, Advocate SR.No.46754

+1cc to the special Government Pleader SR.No.46735

pm

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