

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2017

CORAM

THE HONOURABLE MR. JUSTICE M.DURAI SWAMY

W.P.No.5731 of 2017

P.Kalyani

... Petitioner

Vs

1. The Chief General Manager,
Indian Bank,
No.254-260, Avvai Shanmugam salai,
Royapettah,
Chennai.
2. The Zonal Manager,
Indian Bank,
Tirunelveli
3. The Branch Manager,
Indian bank,
Ramamoorthy Road,
Virudhunagar.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the first respondent herein to direct the respondents 2 and 3 herein to cancel the mortgage by deposit of title deeds under Doc.No.5850 of 2012 dated 07.11.2012, SRO, Virudhunagar and return forthwith the original registered sale deed Doc.No.1163/94, dated 03.06.1994, SRO Virudhunagar and all other documents submitted to the Respondent's Bank at that time of the sanction of the loan along with a no due certificate in favour of the Petitioner in respect Indian Bank OD Account No. 6078856388.

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For Petitioner : Mr.K.Sridhar

For Respondents : Mr.R.Chithiraputhiran

O R D E R

The petitioner has filed the above writ petition to issue a Writ of Mandamus, directing the third respondent to cancel the mortgage by deposit of title deeds in Doc.No.5850 of 2012 dated 07.11.2012, and return the same forthwith and the original registered sale deed dated 03.06.1994 and all other documents submitted to the respondent Bank at the time of sanction of loan along with no due certificate in favour of the petitioner in respect of Indian Bank OD Account No. 6078856388.

2. When the matter is taken up for hearing, Mr.R.Chithiraputhiran, learned counsel appearing for the respondent Bank submitted that the petitioner had repaid the entire loan amount and no amount is due and payable towards the OD Account No.6078856388.

3. Admittedly the documents were submitted before the respondents for availing Over Draft facility in the Account No. 6078856388 in the Indian Bank. When the petitioner had discharged the entire loan amount, I do not find any reason for the respondents to withhold the documents.

4. In these circumstances, I direct the respondents 2 and 3 to cancel the mortgage by deposit of title deeds in Doc.No.5850 of 2012 dated 07.11.2012 and return all the original documents, including the sale deed dated 03.06.1994 and also issue 'no due certificate' to the petitioner within four weeks from the date of receipt of a copy of this order.

With this observation, this Writ Petition is disposed of.
No costs.

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Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

gsa/jer

To

1. The Chief General Manager,
Indian Bank,
No.254-260, Avvai Shanmugam salai,
Royapettah,
Chennai.
2. The Zonal Manager,
Indian Bank,
Tirunelveli
3. The Branch Manager,
Indian bank,
Ramamoorthy Road,
Virudhunagar.

+2cc to Mr.N.Naganathan, Advocate Sr.25818

W.P.No.5731 of 2017

svi[co]
srg 28/04/2017



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