

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2017

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THE HON'BLE MR. JUSTICE M.DURAISWAMY

W.P.No.27202 of 2014

Dr.S.Chandra

... Petitioner

..vs.

1 The Chairman and Managing Director
The Indian Overseas Bank
Central Office, Anna Salai Chennai-2

2 The Assistant General Manager
Indian Overseas Bank
Tiruchengodu Branch
Tiruchengodu, Namakkal District

..Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus directing the respondents to release the document of the petitioner dated 11.7.2005 bearing Document No.1452/2005 on the file of SRO Kangeyam pertaining to the agricultural land measuring an extent of 5 1/2 acres situate at R.S.R.No.98/2 and 690/4 Nathakkadaiyur Village Kangeyam Taluk Erode District based on the representation of the petitioner dated 15.10.2013.

For Petitioner : Mr.T.Shanmugam for
Mr.R.Karthikeyan

For Respondents : Mr.F.B.Benjamin George

O R D E R

The petitioner has filed the above Writ Petition to issue a writ of mandamus directing the respondents to release her document dated 11.7.2005 bearing Document No.1452/2005 on the file of SRO Kangeyam, pertaining to the agricultural land, measuring an extent of 5 1/2 acres situated at R.S.R.No.98/2 and 690/4, Nathakkadaiyur Village, Kangeyam Taluk, Erode District, based on her representation dated 15.10.2013.

2. It is the case of the petitioner that the 2nd respondent Bank had recovered the entire loan amount by selling the

property belonging to the borrower and therefore, the property given as collateral security by the petitioner may be cancelled and the sale deed dated 11.07.2005 may be returned to the petitioner. In this regard, the petitioner has also given a representation to the respondents on 15.10.2013, however, the document has not been returned to the petitioner so far.

3. Mr.F.B.Benjamin George, learned Standing Counsel appearing for respondents fairly submitted that since the Bank had recovered the entire loan amount, the respondents are not opposing the petition and therefore, an order can be passed, directing the respondents to return the original document to the petitioner.

4. Recording the submissions made by the learned Standing Counsel for the respondents, I direct the respondents to release the Sale Deed dated 11.7.2005 bearing Document No.1452/2005 in respect of the property measuring an extent of 5 1/2 acres situated at R.S.R.No.98/2 and 690/4, Nathakkadaiyur Village, Kangeyam Taluk, Erode District, within a period of two weeks from the date of receipt of a copy of this order.

With this observation, the Writ Petition is allowed. No costs.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

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To

1 The Chairman and Managing Director
The Indian Overseas Bank
Central Office, Anna Salai Chennai-2

2 The Assistant General Manager
Indian Overseas Bank
Tiruchengodu Branch
Tiruchengodu, Namakkal District

+ 1 cc to Mr.R.Karthikeyan, Advocate,SR.64855

+ 1 cc to Mr.F.B.Benjamin George, Advocate,SR.64852

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NR 20/09/2017