

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT PETITION No.15744 of 2008

ORDER:

This Writ Petition is filed by the petitioner under Article 226 of the Constitution seeking a direction in the form of Writ of Mandamus declaring the action of respondent/Bank in not returning petitioner's original title deeds i.e., D-Form relating to Sy.No. 289/2 of Pothukunta in D.A.Dis No. 124/80 dated 26.12.1970 as illegal, arbitrary and contrary to law and to pass orders.

2. The case of the petitioner is that he is manufacturing and marketing Wax Candles under the name and style of M/s Tilak Industries, Bukkapatnam, Anantapur District. He took loan from respondent/Bank for his working capital of his unit and he deposited the following original documents with the respondent/Bank as security for repayment of loan amount:

- 1) Original title deeds i.e. D-Form relating to S.No. 289/2 of Pothukunta in D.A Dis.No. 124/80 dated 26.12.1970.]
- 2) The registered sale deed dated 6.5.1999 for Ac. 0.44 cents out of Ac. 1.29 cents in S.No. 305 of Bukkapatnam Village.
- 3) Registered sale deed dated 16.10.73 for Ac. 0-411/2 cents in S.No. 302 of Bukkapatnam Village.
- 4) Ryot Pass book issued by the Tahasildar in favour of the mother of petitioner.

5) The Photostat copy of D-Form patta in D.A. Dis No.124/80 dated 26.12.70 for the land in S.No. 289/1 of Pothukunta Village.

6) Patta Pass Book issued in favour of petitioner along with other statutory records.

a. His further case is that the respondent/Bank filed a suit O.S.No. 111/94 on the file of District Munsif, Renukonda for recovery of loan amount as the petitioner failed to repay the same. During the pendency of the suit, he repaid the loan amount under 'one time settlement scheme' (OTS) on 30.01.2001 towards full and final settlement and the respondent/Bank issued 'no due certificate' also. However, the respondent/Bank failed to return the original title deeds and therefore, the petitioner is unable to secure the loan from a different Bank. Hence, the petitioner filed a petition before Lok Adalat, Penukonda in PLC No. 36/05. The respondent/Bank appeared before the Lok Adalat and stated as if the original title deeds deposited by the petitioner were misplaced while shifting their branch office and their higher authorities advised them to get certified copies to return to him. Hence, the Writ Petition.

3. The respondent/Bank appeared but no counter is filed so far.

4. Having regard to the facts presented by the petitioner in the Writ Petition, the Writ Petition is disposed of with a direction to the respondent/ Bank to return the original title deeds of the petitioner within eight (8) weeks from the date of receipt of a copy of this order. In case,

the original title deeds could not be traced, the concerned Branch Manager with whom the title deeds were deposited by the petitioner, shall obtain certified copies of the original documents and return to the petitioner along with his sworn affidavit stating that it was due to the misplacement of the original documents while in the custody of the Bank, the certified copies were issued to the petitioner. No costs.

As a sequel there to, miscellaneous applications, pending if any, shall stand closed.

Date: 17.08.2018
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U.DURGA PRASAD RAO, J

